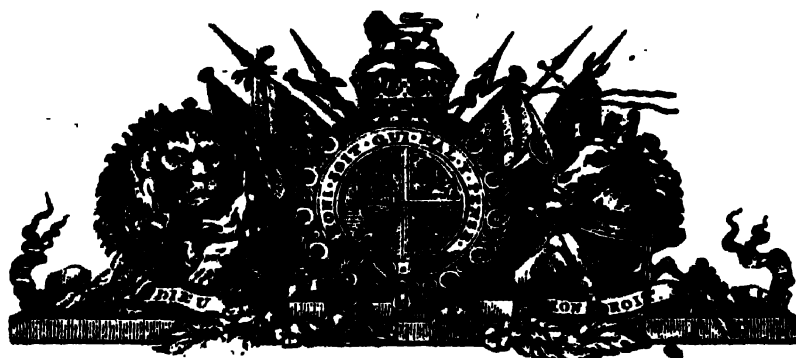
CAL-GAZ

JANU-OCT

1918



The Calcutta Gazette

WEDNESDAY, APRIL 3, 1918.

PART IV.

Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.

GOVERNMENT OF BENGAL.

BENGAL LEGISLATIVE COUNCIL.

NOTIFICATION.

No. 538L., dated the 1st April 1918.—The following Report of the Select Committee, which was presented to the Bengal Legislative Council on the 28th March, 1918 (with the Bill as amended by the Committee), is hereby published for general information:—

THE SERAMPORE COLLEGE BILL, 1918.

Report of the Select Committee on the Serampore College Bill, 1918.

We, the undersigned Members of the Select Committee, to which the Bill to supplement, and in certain matters to supersede, the Royal Charter of Incorporation and the Statutes and Regulations of the Serampore College, was referred, have considered the Bill and have the honour to recommend that the Bill, as introduced in Council, be passed, except that in clause 13 we have substituted the words "University of Calcutta" for the words "Calcutta University."

S. P. SINHA,

Member in charge.

W. C. WORDSWORTH.

GEORGE HOWELLS.

DEVA PRASAD SARVADHIKARY.

THE SERAMPORE COLLEGE BILL, 1918;

(as amended by the Select Committee).

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A

BILL

to supplement, and in certain matters to supersede, the Royal Charter of Incorporation and the Statutes and Regulations of the Serampore College.

Preamble.

WHEREAS, on the 23rd day of February, 1827, the institution established in Serampore, Bengal, and known as the Serampore College, was incorporated by Royal Charter granted by his late Danish Majesty, King Frederick the Sixth, with the powers and privileges in the said Royal Charter set forth, including the power of conferring upon the students of the said College degrees of rank and honour according to their proficiency in science;

And whereas by Article VI of the Treaty of Purchase, dated the 22nd February, 1845, transferring Serampore to the British Government, it was provided that the rights and immunities granted to the Serampore College by the said Royal Charter, as translated and contained in Schedule I to this Act, should not be interfered with, but should continue in force in the same manner as if they had been obtained by a Charter from the British Government, subject to the general law of British India;

And whereas Statutes and Regulations for the better government of the said College and management of its concerns, as contained in Schedule II to this Act, were, on the 12th day of June, 1833, made and established under the powers conferred by Article 4 of the said Royal Charter;

And whereas, under the provisions of the said Royal Charter, the Council of the College consists of a Master or President and two or four members elected as provided in the said Statutes and Regulations, and the management of the College and its general order and government is vested in the Master and Council, and the said power of conferring degrees of rank and honour is vested in the first Council and their successors for ever;

And whereas it is considered that in order to give effect, under the conditions now existing, to the intentions of his late Danish Majesty and of the founders of the said College, that is to say, to promote piety and learning, particularly among the native Christian population of India, the amendment of the constitution of the College, by the enlargement of the Council on an interdenominational basis, with power to delegate some of its functions, in manner hereinafter appearing, is required;

And whereas the present Council of the said College consists of the Reverend George Pearce Gould, M.A., D.D., Master and President, George Barclay Leechman, Esq., Sir George Watson Macalpine, LL.D., the Reverend Robert Forman Horton, M.A., D.D., and the Reverend George Howells, M.A., PH. D., Principal of the College;

And whereas it is deemed expedient by the Governor in Council, with the consent of the said

The Serampore College Bill, 1918.

(*Clauses 1—6.*)

Council of the Serampore College, that a Faculty and Senate be constituted for the said College in manner hereinafter appearing and that suitable standards be imposed in regard to any secular degrees that may hereafter be conferred by the said Council under the terms of the said Royal Charter;

And whereas it is necessary to make provision for the above purposes by subjecting the said Royal Charter, Statutes and Regulations to an Act of the legislature under the general law of British India in accordance with the terms of the aforesaid Treaty;

And whereas the previous sanction of the Governor General in Council has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Serampore College Act, 1918.

Constitution of the Council.

2. (*1*) The Council of the Serampore College as constituted by the Royal Charter of the 23rd day of February, 1827, shall be enlarged so as to consist of not less than five nor more than sixteen ordinary members, including the Master, as the Council may from time to time determine. The first Council constituted under this section shall include the present Master and President and the other present members.

(*2*) At least one-third of the members of the Council shall be members of the Baptist denomination.

(*3*) The Master shall be the President of the Council.

(*4*) The Principal of the College, if not an ordinary member, shall be an additional member of the Council *ex officio* during his term of office as Principal of the College.

(*5*) Until otherwise determined by by-law made under section 14, three members of the Council shall form a quorum.

Resignation Members.

3. Any member of the Council may at any time resign his office by notice in writing to the Master, provided that no such resignation shall be deemed to take effect so long as the total number of members of the Council shall by reason thereof be less than five.

Election of Master.

4. On any vacancy occurring in the office of Master the remaining members of the Council shall elect another person, whether one of their number or not, to fill his place.

The College Faculty

5. The Council shall, within one year from the date of the commencement of this Act, constitute and appoint in the manner prescribed in section 6 a body to be known as the College Faculty.

Constitution of the College Faculty.

6. (*1*) The Faculty shall consist of the Principal (who shall be its President) and such of the professors and other officials and functionaries of the College as may be appointed by the Council in accordance with by-laws made under section 14.

The Serampore College Bill, 1918.

(Clauses 7—12.)

(2) The Council shall from time to time prescribe and declare by order in writing the powers and duties of the Faculty, and may remove any member thereof.

Delegation of Council's powers and duties.

7. The Council may delegate to the Faculty all or any of the powers and duties of the Council and Master, which concern only the internal management of the College and its general order and good government.

The Senate of the College.

8. The Council shall, within one year from the date of the commencement of this Act, constitute and appoint in the manner prescribed in section 9 a body to be known as the Senate of the College.

Constitution of the Senate.

9. The Senate shall consist of the Principal (who shall be convener) and not less than twelve nor more than eighteen persons as the Council may from time to time determine, to be appointed by the Council:

Provided that—

(*a*) at least one and not more than three representatives of each of the following Christian denominations, *viz.*, Anglican, Baptist, Congregational, Lutheran, Methodist, Presbyterian and Syrian, shall, as far as practicable, be members of the Senate ;

(*b*) at least two-thirds of the members shall be persons other than professors, officials or functionaries of the College ;

(*c*) not less than one-sixth of the members shall be members of the College Faculty.

Term of office of members of the Senate.

10. (*1*) Subject to the provisions of clause 11 of the Statutes and Regulations of the College, which shall be deemed to apply to members of the Senate, each member of the Senate shall hold office for a period of five years, at the expiration of which period he shall retire, but he shall be eligible for re-appointment :

Provided that the Principal shall not, during the term of his office as Principal, be subject to retirement, unless he becomes disqualified under the provisions of clause 11 of the Statutes and Regulations.

(*2*) Any member of the Senate may, by notice in writing to the Master, resign his membership at any time.

Duties of the Senate

11. The Senate shall frame courses of study and make rules for the conduct of examinations, and shall, subject to the control of the Council, determine the qualifications for degrees and diplomas, and do and perform all other matters and things necessary or proper for or relating to the determination of the eligibility of candidates for degrees, diplomas and certificates to be conferred by the Council.

Power of the Senate to make rules and regulations.

12. Subject to the provisions of this Act, the Senate shall make rules and regulations for the convening of its meetings and for the proper conduct of its business.

The Serampore College Bill, 1918.

(Clauses 13, 14.)

Granting of degrees.

13. If, at any time, the Council shall intend to grant degrees in any branch or branches of knowledge and science other than theology, such degrees shall be confined to students who shall have received regular instruction at the Serampore College; and before the Council proceeds to grant such degrees, it shall satisfy the Government as defined in section 2 (*b*) of the Indian Universities Act, 1904, in relation to the University of Calcutta as to the adequacy— VIII of 1904.

(*1*) of the establishment and equipment of the College;

(*2*) of the academic standard to be maintained: and

(*3*) of the financial provision made therefor:

Provided that the said Government, on ceasing to be so satisfied, may withdraw their approval of the granting of such degrees.

Power of the Council to make by-laws.

14. Subject to the provisions of this Act and of the said Royal Charter, Statutes and Regulations, so far as they are not inconsistent therewith, the Council shall make by-laws providing for and regulating the following matters, namely:—

(*a*) the convening of meetings of the Council;

(*b*) the quorum to be required at meetings of the Council and the conduct of business at such meetings;

(*c*) the appointment of members of the Council, Faculty and Senate:

(*d*) the duties to be performed by the Faculty under the direction and control of the Council;

(*e*) the conferring of degrees, diplomas and certificates on the recommendation of the Senate;

(*f*) the terms and tenure of appointments, duties, emoluments, allowances and superannuation allowances of the Principal, Professors, Fellows, Tutors and other officers of the College and of its servants;

(*g*) the finances and accounts of the College and the investment of its funds;

(*h*) the person or persons by whom, and the manner and form in which, contracts by or on behalf of the College may be entered into, varied or discharged, and deeds, agreements, contracts, cheques, and other negotiable instruments and documents may be signed or executed on behalf of the College, and minutes and proceedings of meetings of the Council, Faculty or Senate may be authenticated or evidenced so as to bind the College and be receivable in evidence in accordance with the provisions of the Indian Evidence Act, 1872; I of 1872.

The Serampore College Bill, 1918.

(Clause 15.)

(*i*) the custody and use of the common seal; and

(*j*) generally all such other matters as may be required or authorized under this Act and the said Royal Charter, Statutes and Regulations, so far as they are not inconsistent with this Act.

Effect of Act.

15. The provisions of the said Royal Charter and of the Statutes and Regulations made thereunder, so far as they are contrary to or inconsistent with any of the terms of this Act, shall be deemed to be superseded from the date of the commencement of this Act:

Provided that nothing in this Act shall render invalid any acts performed, duties imposed or liabilities incurred prior to the date on which this Act comes into force in accordance with the terms of the said Royal Charter, and of the Statutes and Regulations made thereunder.

The Serampore College Bill, 1918.

(Schedule I.—Charter of Incorporation of the Serampore College.)

SCHEDULE I.

[*See* Preamble and sections 2 (*1*), 14 and 15.]

Charter of Incorporation of the Serampore College.

WE Frederick the Sixth, by the Grace of God King of Denmark, the Venders and Gothers, Duke of Slesvig Holsten, Stormarn, Ditmarsken, Limessborg and Oldenborg, by these writings make known and publicly declare, that whereas William Carey and Joshua Marshman, Doctors of Divinity, and John Clark Marshman, Esq., inhabitants of our town of Fredericksnagore (or Serampore) in Bengal, being desirous of founding a College to promote piety and learning particularly among the native Christian population of India, have to secure this object erected suitable buildings and purchased and collected suitable books, maps, etc., and have humbly besought us to grant unto them and such persons as shall be elected by them and their successors to form the Council of the College in the manner to be hereafter named, our Royal Charter of Incorporation that they may the more effectually carry into execution the purposes above-mentioned:—We being desirous to encourage so laudable an undertaking, have of our special grace and free motion ordained, constituted, granted and declared, and by these presents We do for ourselves, our heirs and successors ordain, constitute, grant and declare:

1. That the said William Carey, Joshua Marshman and John Clark Marshman, and such other person or persons as shall successively be elected and appointed the Council of the said College, in the manner hereafter mentioned, shall by virtue of these presents be for ever hereafter one body politic and incorporate by the name of the Serampore College for the purposes aforesaid to have perpetual succession and to have a common seal, and by the said name to sue and to be sued, to implead and be impleaded, and to answer and be answered unto in every court and place belonging to us, our heirs and successors.

2. And We do hereby ordain, constitute and declare that the persons hereby incorporated and their successors shall for ever be competent in law to purchase, hold and enjoy for them and their successors any goods and chattels whatsoever and to receive, purchase, hold and enjoy, they and their successors, any lands, tenements or hereditaments whatever and that they shall have full power and authority to sell, exchange or otherwise dispose of any real or personal property to be by them acquired as aforesaid, unless the sale or alienation of such property be specially prohibited by the donor or donors thereof, and to do all things relating to the said College or Corporation in as ample a manner or form as any of our liege subjects, or any other body politic or corporate in our said kingdom or its dependencies may or can do.

3. And We do hereby ordain, grant and declare that the number of Professors, Fellows or Student Tutors and Students shall be indefinite and that the said William Carey, Joshua Marshman and John Clark

The Serampore College Bill, 1918.

(Schedule I.—Charter of Incorporation of the Serampore College.)

Marshman shall be the first Council of the said College, and that in the event of its appearing to them necessary during their lifetime, or in the case of the death of any one of the three members of the said first Council, the survivors or survivor shall and may under their respective hands and seals appoint such other person or persons to be members of the Council of the College, and to succeed each other so as to become members of the said Council in the order in which they shall be appointed, to the intent that the Council of the said College shall for ever consist of at least three persons.

4. And We do hereby further ordain, grant and declare, that for the better government of the said College and the better management of its concerns, the said William Carey, Joshua Marshman and John Clark Marshman, the members of the first Council, shall have full power and authority for the space of ten years from the date of these presents, to make and establish such Statutes as shall appear to them useful and necessary for the government of the said College, in which Statutes they shall define the powers to be entrusted to their successors, to the Professors, the Fellows or Student Tutors and the other officers thereof, and the duties to be performed by these respectively for the management of the estates, lands, revenues and goods—and of the business of the said College, and the manner of proposing, electing, admitting and removing all and every one of the Council, the Professors, the Fellows or Tutors, the officers, the students and the servants thereof, and shall make and establish generally all such other Statutes as may appear to them necessary for the future good government and prosperity of the said College, provided that these Statutes be not contrary to the laws and Statutes of our realm.

5. And We do hereby further ordain, grant and declare that the Statutes thus made and established by the said three members of the first Council and given or left in writing under their respective hands, shall be valid and in full force at the expiration of ten years from the date of these presents, so that no future Council of the College shall have power to alter, change or vary them in any manner whatever, and that the Statutes shall for ever be considered the constitution of the said College. And We do hereby appoint and declare that these Statutes shall be made and established by the said William Carey, Joshua Marshman and John Clark Marshman alone, so that in case either of them should die before the expiration of ten years, the power of completing or perfecting these Statutes shall devolve wholly on the survivors or survivor; and that in case all three of them should die before the expiration of ten years, the Statutes which they have left in writing under their hands, or under the hand of the last survivor among them, shall be considered "The Fundamental Statutes and Constitution of Serampore College", incapable of receiving either addition or alteration, and shall and may be registered in our Royal Court of Chancery as "The Statutes and Constitution of Serampore College".

The Serampore College Bill, 1918.

(Schedule I.—Charter of Incorporation of the Serampore College.)

6. And We do hereby further appoint, grant and declare that from and after the completion of the Statutes of the said College in the above said time of ten years, the said Council of the College shall be deemed to consist of a Master or President and two or four members who may be Professors or otherwise as the Statutes may direct so that the said Council shall not contain less than three, nor more than five persons, as shall be defined in the Statutes. The Council shall ever be elected as the Statutes of the College may direct, yet the said Master or President shall always previously have been a member of the College; and upon the decease of the said Master or President, the Council of the said College shall be unable to do any act or deed until the appointment of a new Master or President, save and except the appointment of such a Master.

7. And We further appoint, grant and declare that the said William Carey, Joshua Marshman and John Clark Marshman, the members of the first Council, and their successors for ever, shall have the power of conferring upon the students of the said College, native Christians as well as others, degrees of rank and honour according to their proficiency in as ample a manner as any other such College, yet the said Serampore College shall only have the power of conferring such degrees on the students that testify their proficiency in Science, and no rank or other special right shall be connected therewith in our dominions. And We do hereby further appoint, grant, and declare, that after the expiration of the said ten years, the said Council of the College and their successors for ever shall have power to make and establish such orders and bye-laws as shall appear to them useful and necessary for the government of the said College, and to alter, suspend or repeal those already made, and from time to time make such new ones in their room as shall appear to them most proper and expedient provided the same be not repugnant to the Statutes of the College or the laws of our realm, and that after the expiration of these ten years any member of the Council shall have power to move the enactment of any new bye-law, or the alteration, suspension or repeal of any existing one provided notice of such motion shall have been delivered in writing to the Master and read from the Chair at one previous meeting of the Council of the said College, but that no such motion shall be deemed to have passed in the affirmative, until the same shall have been discussed and decided by ballot at another meeting summoned especially for that purpose, a majority of the members then present having voted in the affirmative; and in this as in all other cases, if the votes be equal, the Master or President shall have the casting vote.

Given at our Royal Palace in Copenhagen on the twenty-third day of February in the year of our Lord one thousand eight hundred and twenty-seven, in the nineteenth year of our reign.

Under our Royal Hand and Seal.

FREDERICK R.

The Serampore College Bill, 1918.

(Schedule II.—Statutes and Regulations of the Serampore College.)

SCHEDULE II.

[*See* Preamble and sections 10 (*1*), 14 and 15.]

Statutes and Regulations of the Serampore College.

June 12th, 1833.

1. Article the Third of the Charter granted by His Danish Majesty, having authorized the first Council of Serampore College in their life-time to nominate under their hand and seal such other person or persons for colleagues or successors as may to them appear most proper so that the Council shall always consist of at least three persons, their successors in the Council shall be competent in like manner to nominate in their life-time under their separate hand and seal such person or persons as they may deem most proper to fill vacancies then existing or which may occur on their demise; members thus nominated and chosen shall succeed to the Council in order of their nomination.

2. It being fixed in the Charter that the Council must consist of the Master or President and at least two, but not more than four members, and that on the demise of the Master no act shall be done until another be elected, the Master and Council for the time being shall appoint the next Master under their separate hand and seal. If on the demise of a Master no one be found thus appointed under the hand and seal of a majority of the Council, the senior member of the Council shall succeed as Master.

3. The Charter having given the casting vote to the Master, in all cases when the votes are equal the casting vote shall lie with the Master, and if there be no Master, it shall lie with the Senior Member of the Council.

4. Learning and piety being peculiar to no denomination of Christians, one member of the Council may at all times be of any other denomination besides the Baptist to preserve the original design of the Institution. However if on the election of a Master a number of the Council be equally divided, that part which is entirely of the Baptist denomination shall have the casting vote, whether it includes the Master or not.

5. The management of the College, including its revenues and property, the choice of the Professor and Tutors, the admission of students, the appointment of all functionaries and servants and the general order and government of the College, shall ever be vested in the Master and the Council. The Master shall see that the Statutes and Regulations of the Council be duly carried into effect, and take order for the good government of the College in all things. His signature is necessary to the validity of all deeds, instruments, documents and proceedings.

6. "The first Council and their successors for ever" being authorized by the Charter "to confer such degrees of rank and honour as shall encourage learning"

The Serampore College Bill, 1918.

(Schedule II.—Statutes and Regulations of the Serampore College.)

in the same manner as other Colleges and Universities, they shall from time to time confer degrees in such branches of Knowledge and Science as may be studied there, in the same manner as the Universities in Denmark, Germany and Great Britain. In doing this the Master and Council shall *ad libitum* call in the aid of any or all the Professors of Serampore College. All such degrees shall be perfectly free of expense to the person on whom they may be conferred, whether he be in India, Europe or America.

7. No oaths shall be administered in Serampore College either to the Members of the Council, the Professors and Tutors, or the students. In all cases a solemn promise, duly recorded and signed by the party, shall be accepted instead of an oath.

8. Marriage shall be no bar to any office or situation in Serampore College, from that of the Master to that of the lowest student.

9. The salaries of the Professors and Tutors in Serampore College shall be appointed and the means of support for all functionaries, students and servants be regulated by the Council in such manner as shall best promote the objects of the Institution.

10. It is intended that neither the Master nor any Member of the Council in general shall receive any salary. But any Master who may not previously reside in the College shall have a residence there free of rent for himself and his family. And if the Council shall elect any one in Europe or in America, whom they deem eminent for learning and piety, a member of the Council, with a view to choosing him Master should they on trial deem him worthy, the Council shall be competent to appoint him such salary as they may deem necessary, not exceeding, however, the highest given to a Professor.

11. As the founders of the College deem the belief of Christ's Divinity and Atonement essential to vital Christianity, the promotion of which is the grand object of this Institution, no one shall be eligible to the College Council or to any Professorship who is known to oppose these doctrines, and should any one of the Professors or any member of the Council unhappily change his views after his election as to oppose these fundamental doctrines of Christianity, on this being clearly and decidedly proved from his teaching or his writings, he shall vacate the office he previously held. But every proceeding of this nature on the part of the College Council shall be published to the Christian world, with the proofs on which it may rest, as an Appendix to the succeeding Report.

12. Members of the Council are eligible from among the Professors of the College, or from among any in India, Europe, or America, whom the College Council may deem suitable in point of learning, piety, and talent.

The Serampore College Bill, 1918.

(Schedule II.—Statutes and Regulations of the Serampore College.)

13. Students are admissible at the discretion of the Council from any body of Christians, whether Protestant, Roman Catholic, the Greek, or the Armenian Church; and for the purpose of study, from the Musalman and Hindu youth, whose habits forbid their living in the College. No caste, colour, or country shall bar any man from admission into Serampore College.

14. Expulsion shall be awarded in cases of open immorality, incorrigible idleness, neglect of the College Statutes and Regulations, or repeated disobedience to the officers of the College.

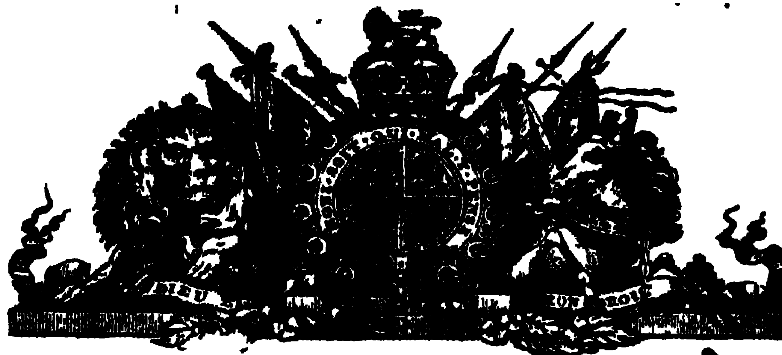
15. Any person in India, Europe or America shall be at liberty to found any Professorship, or to attach to Serampore College any annual exhibition or prize for the encouragement of learning in the same manner as in Universities of Great Britain, regulating such endowment according to their own will; and it shall be the duty of the College Council to carry such benefactions into effect in strict consonance with the will of the donors as far as shall be consistent with the Statutes of the College.

16. It shall be lawful for the first Council of the College or their successors to make and rescind any bye-laws whatever, provided they be not contrary to these Statutes.

17. The Charter having declared that the number of the Professors and Students in Serampore College remains unlimited, they shall be left thus unlimited, the number to be regulated only by the gracious providence of God and the generosity of the public in India, Europe and America.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).



The Calcutta Gazette

WEDNESDAY, APRIL 10, 1918.

PART IV.

Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.

GOVERNMENT OF BENGAL.

BENGAL LEGISLATIVE COUNCIL.

NOTIFICATION.

No. 551L., dated the 6th April, 1918.—The following Bill was introduced in the Bengal Legislative Council on the 4th April, 1918, and is hereby published for information, together with the Statement of Objects and Reasons annexed thereto:—

THE BENGAL VILLAGE SELF-GOVERNMENT BILL, 1918.

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A BILL

to extend Village Self-Government in Bengal.

WHEREAS it is expedient to extend the system of Village Self-Government in Bengal;

And whereas the sanction of the Governor General has been obtained under section 79, sub-section (2) and sub-section (3), of the Government of India Act, 1915, to the passing of this Act; 5 & 6 Geo V, c. 61

It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (1) This Act may be called the Bengal Village Self-Government Act, 1918.

(2) It extends to the whole of Bengal, except the town of Calcutta and any area which has been or may hereafter be constituted a Municipality under the provisions of the Bengal Municipal Act, 1884. [Cf. Act VIII of 1885, s. 1 (3).] Ben. Act III of 1884.

Explanation.—The words "the town of Calcutta" mean, subject to the exclusion or inclusion of any local area by notification under section 637 of the Calcutta Municipal Act, 1899, and subject to the provisions of section 147 of the Calcutta Improvement Act, 1911, the area described in Schedule 1 to the Calcutta Municipal Act, 1899. Ben. Act III of 1899. Ben. Act V of 1911.

(3) It shall come into force in such districts or parts thereof and on such dates as the Local Government may, by notification, direct, and the Local Government may, by notification, withdraw this Act from any district or part thereof: [Cf. Ben. Act V of 1914, s. 1 (2).]

Provided that this Act shall not come into force in any cantonment without the sanction of the Governor General in Council previously obtained. [Cf. Ben. Act III of 1885, s. 4.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "building" includes a hut and shed;

(2) "Circle Officer" means any person who may be appointed by the Local Government to exercise the powers and perform the duties of a Circle Officer under this Act; [Cf. Act VI of 1912, s. 2 (9).]

(3) "Dafadar" means a head Chaukidar;

(4) "District Board" means a District Board established under the Bengal Local Self-Government Act of 1885; Ben. Act III of 1885

(5) "local authority" means any District Board or Local Board, Joint Committee, Union Committee or Joint Union Committee constituted under the Bengal Local Self-Government Act of 1885 and any Village Committee or Circle Board constituted under this Act;

(Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 3-5.)

(6) "notification" means a notification published in the *Calcutta Gazette*; [Cf. Ben. Act III of 1885, s. 5.]

(7) "Subdivisional Magistrate" means any Magistrate in charge of a subdivision of a district; and

(8) "year" means a year beginning on the first day of April, or on such other date as may hereafter be fixed for any Village Committee or Circle Board by the Local Government by notification. [Cf. Ben. Act III of 1884, s. 6 (19).]

CHAPTER II.

VILLAGE COMMITTEES AND CIRCLE BOARDS.

Power of Local Government to declare local areas to be villages.

3. When this Act has come into force in any district, or part thereof, the Local Government shall, by notification, divide that district or part into as many local areas as may to them seem expedient, and shall, by notification, declare every such local area to be a village for the purposes of this Act.

Establishment and constitution of Village Committee.

4. (1) The Local Government shall, by notification, establish a Village Committee for every village constituted under section 3, and shall fix the number of members of each Village Committee: [Cf. Ben. Act III of 1884, ss. 38, 39, 40 and 41.]

Provided that the number of members of a Village Committee shall not be less than six or more than nine.

(2) The members shall be elected from among the residents of the village by persons qualified to vote under section 5, and within such time and in accordance with such rules as may be prescribed in this behalf under section 111.

(3) Notwithstanding anything contained in sub-section (2), the Local Government may direct, by an order in writing, for reasons to be stated in such order, that any Village Committee shall consist of members partly elected in the manner referred to in sub-section (2) and partly appointed by the District Magistrate:

Provided that the number of members to be so elected shall not be less than two-thirds of the total number of members of the Village Committee.

(4) If within the period fixed in this behalf, the electors of any Village Committee fail to elect the full number of members prescribed for the Committee, the District Magistrate shall appoint the remainder; and any person so appointed shall be deemed to be a duly elected member.

(5) The members appointed by the District Magistrate shall be deemed to have been appointed on the date on which the election under this section takes place.

Qualifications of voters and members of Village Committee.

5. (1) Every male person of the full age of twenty-one years and resident within the village,—

(i) who, during the year immediately preceding the election, has paid a sum of not less than one rupee as cess in respect of lands situated wholly or in part in such village, or

(*Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 6-8.*)

(*ii*) who, during the year immediately preceding such election, has been assessed at and paid a sum of not less than one rupee for the purposes of the village rate payable under this Act, or in the case of a first election under this Act, as chaukidari-tax, or

(*iii*) who is a member of a joint undivided family, which, during the year immediately preceding the election, has paid a sum of not less than one rupee as such cess, rate or tax,

shall be entitled to vote at an election of members of the Village Committee.

(*2*) Every male person of the full age of twenty-one years and resident within the village shall be entitled to be a member of the Village Committee if duly elected thereto.

President of Village Committee.

6. (*1*) Every Village Committee shall be presided over by a President, who shall be elected by the members of the Village Committee from among their own number.

(*2*) If any Village Committee fails to elect a President within the period prescribed in this behalf by rules made under section 111, the District Magistrate shall appoint a member of the Committee to be the President.

Establishment of Circle Board.

7. Whenever Village Committees have been established in any district or part thereof under section 4, sub-section (*1*), the Local Government shall, by notification, declare such of the villages in that district or part as may to them seem expedient to form a Circle, and shall establish a Circle Board for every such Circle.

Constitution of Circle Board.

8. (*1*) A Circle Board shall consist of fifteen members, namely:— [*Cf.* Ben. Act III of 1885, ss. 9, 10 and 11.]

(*a*) five members to be appointed by the Commissioner;

(*b*) ten members to be elected within such time and in accordance with such rules as may be prescribed in this behalf under section 111.

(*2*) The District Magistrate shall, from time to time, for the purposes of election under clause (*b*) of sub-section (*1*), by order in this behalf, divide a Circle into two or more groups of villages and allot the number of members to be elected by each group.

(*3*) The members of the Village Committees in every such group shall elect the number of members of the Circle Board allotted to that group from among their own number or from among the persons who are qualified to vote at an election of members of any of the Village Committees within the group.

(*4*) If the ten members of the Circle Board to be elected under clause (*b*) of sub-section (*1*) are not all duly elected under sub-section (*3*) within the prescribed period, the Commissioner shall appoint a member or members to make up the required number; and any person so appointed shall be deemed to be a duly elected member.

(Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 9-12.)

(5) Members appointed by the Commissioner under this section shall be deemed to have been appointed on the date on which the election under clause (*b*) of sub-section (*1*) takes place.

Chairman of Circle Board.

9. (*1*) Every Circle Board shall be presided over by a Chairman, who shall be elected, either by name or by virtue of office, by the members from among their own number, or the Circle Board may, at a meeting attended by not less than two-thirds of its members, request the District Magistrate to appoint a Chairman. [*Cf.* Ben. Act III of 1885, s. 25.]

(*2*) If any Circle Board fails to elect a Chairman within the period prescribed in this behalf by rules made under section 111, the Commissioner shall appoint a Chairman.

Vice-Chairman of Circle Board.

10. (*1*) Every Circle Board shall, within such period as may be prescribed in this behalf by rules made under section 111, elect one of its members to be the Vice-Chairman of the Circle Board. [*Cf.* Ben. Act III of 1885, s. 26.]

(*2*) If any Circle Board fails to elect a Vice-Chairman within such period, the Commissioner may appoint a Vice-Chairman.

Disqualification of certain persons from voting at election of, or being members of, Village Committees or Circle Boards.

11. Notwithstanding anything contained in this Act, no person who is not a British subject or a subject of any State in India shall be qualified to vote at an election of, or to be a candidate for election as a member of, a Village Committee or Circle Board, nor shall such person be nominated to be a member of such Committee or Board or to hold the office of Chairman of any such Board:

Provided that the Local Government may, with the approval of the Governor General in Council, by notification, exempt from the provisions of this section any person or class of persons who are not British subjects or subjects of any State in India.

Power to remove members.

12. The District Magistrate may remove any member of a Village Committee and the Commissioner may remove any member of a Circle Board—

(*1*) who is convicted of any such offence or is subjected by a Criminal Court to any such order, as, in the opinion of the District Magistrate or the Commissioner, as the case may be, formed after such inquiry as the District Magistrate or Commissioner may consider to be necessary, unfits such person to be a member; or [*Cf.* Ben. Act III of 1885, ss. 18 and 18A.]

(*2*) who refuses to act, or becomes incapable of acting, or is declared to be insolvent; or

(*3*) who has been declared by notification to be disqualified for employment in the public service; or

(*4*) who, without an excuse sufficient in the opinion of the District Magistrate or the Commissioner, as the case may be, absents himself from six consecutive meetings of the Committee or Board; or

(*Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 13-16.*)

(*5*) on the recommendation of the Village Committee or Circle Board at a meeting, if the member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct. [*Cf.* Ben. Act III of 1884, s. 19.]

Term of office of members.

13. (*1*) The term of office of a member of a Village Committee or Circle Board shall be three years from the date of his election or appointment, but shall include any period which may elapse between the expiration of the said three years and the date of the next subsequent election or appointment, not being an election or appointment made under section 14. [*Cf.* Ben. Act III of 1885, s. 42.]

(*2*) Any member shall, if not disqualified for any of the reasons mentioned in clause (*1*) or clause (*3*) of section 12, be eligible for re-election or re-appointment at the end of his term of office.

Filling of casual vacancies.

14. When the place of an elected or appointed member of a Village Committee or Circle Board becomes vacant by his removal, resignation or death, a new member shall be elected or appointed in the manner provided in section 4, or section 8, as the case may be, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred: [*Cf.* Ben. Act III of 1885, s. 48.]

Provided that no act of the Village Committee or Circle Board, or of their officers, shall be deemed to be invalid by reason only that the number of members of the Committee or Board at the time of the performance of such act was less than the prescribed number.

Resignation of President, Chairman, Vice-Chairman or member.

15. (*1*) A President of a Village Committee or a Chairman of a Circle Board may resign during the term of his office by notifying his intention to do so, in the case of a President of a Village Committee, to the District Magistrate, and in the case of a Chairman of a Circle Board, to the Commissioner; and on such resignation being accepted by the Magistrate or Commissioner, as the case may be, shall be deemed to have vacated his office. [*Cf.* Ben. Act III of 1885, s. 27.]

(*2*) A Vice-Chairman of a Circle Board may resign during the term of his office by notifying in writing his intention to do so to the Circle Board; and on such resignation being accepted, shall be deemed to have vacated his office.

(*3*) A member of a Village Committee or Circle Board may resign during his term of office by notifying in writing his intention to do so to the Village Committee or Circle Board, as the case may be, and on such resignation being accepted shall be deemed to have vacated his office. [*Cf.* Ben Act III of 1884, s. 27A.]

Removal of President or Chairman or Vice-Chairman.

16. (*1*) The District Magistrate may remove a President of a Village Committee and the Commissioner may remove a Chairman of a Circle Board from his office—

(*i*) if he refuses to act, or becomes incapable of acting, or is declared insolvent; [*Cf.* Ben. Act III of 1885, s. 28.]

(Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 17, 18.)

(*ii*) if he is convicted of any such offence or subjected by a Criminal Court to any such order, as, in the opinion of the District Magistrate or the Commissioner, as the case may be, formed after such inquiry as the District Magistrate or Commissioner may consider to be necessary, shows him to be unfit to be President of a Village Committee or Chairman of a Circle Board; or

(*iii*) on the recommendation of the Village Committee or Circle Board at a meeting, if he is guilty of misconduct or persistent negligence in the discharge of his duties as President or Chairman, or of any disgraceful conduct. [Cf. Ben. Act III of 1884, s. 19.]

(*2*) A Circle Board may remove its Vice-Chairman from his office—

(*i*) if he refuses to act, or becomes incapable of acting, or is declared insolvent; or

(*ii*) if he is convicted of any such offence, or subjected by a Criminal Court to any such order, as, in the opinion of the Circle Board, formed after such inquiry as the Circle Board may consider to be necessary, unfits him to be Vice-Chairman; or

(*iii*) if he is guilty of misconduct or persistent negligence in the discharge of his duties as Vice-Chairman, or of any disgraceful conduct. [Cf. Ben. Act III of 1884, s. 19.]

Filling up of casual vacancy in office of President or Chairman or Vice-Chairman.

17. (*1*) If a President of a Village Committee or a Chairman or a Vice-Chairman of a Circle Board dies, resigns, or is removed, the Village Committee or the Circle Board, as the case may be, may, at a meeting, within a period prescribed in this behalf by rules made under section 111, elect from among its members a President, a Chairman or a Vice-Chairman, as the case may be. [Cf. Ben. Act III of 1885, s. 29.]

(*2*) If any Village Committee or Circle Board fails to elect a new President, Chairman or Vice-Chairman, as the case may be, within the prescribed period, the District Magistrate, in the case of a Village Committee, or the Commissioner, in the case of a Circle Board, may appoint a new President, Chairman or Vice-Chairman.

Term of office of President, Chairman or Vice-Chairman.

18. (*1*) The term of office of a President of a Village Committee or of an elected Chairman of a Circle Board or of a Vice-Chairman of a Circle Board shall, subject to the provisions of sections 15 and 16, be the residue of his term of office as a member of the Village Committee or of the Circle Board, as the case may be. [Cf. Ben. Act III of 1885, s. 29A.]

(*2*) The term of office of an appointed Chairman of a Circle Board shall, subject as aforesaid, be one year from the date of his appointment; but he may be re-appointed on the expiration of that term:

Provided that the term of office of an appointed Chairman shall not extend beyond the time of the first meeting of the members of the next subsequent Circle Board elected or appointed in the manner provided in section 8.

(Part I.—Chapter II.—Village Committees and Circle Boards.—Chapter III.—Powers and Duties of Village Committees.—Clauses 19-22.)

(3) Every appointed Chairman of a Circle Board shall be deemed to be a member of the Board during his term of office.

Incorporation of Village Committees and Circle Boards.

19. Every Village Committee and Circle Board shall be a body corporate by the name of "the Village Committee of (name of village)", "the Circle Board of (name of circle)", and shall have perpetual succession and a common seal, and shall by the said name, sue and be sued, with power to acquire or hold property, both movable and immovable, and, subject to any rules made by the Local Government under section 111, to transfer any such property held by a Village Committee or Circle Board and to contract and do all other things necessary for the purposes of this Act. [Cf. Ben. Act III of 1885, s. 20.]

Works constructed by a Village Committee and Circle Board to vest in them.

20. Every road, building or other work constructed by a Village Committee or Circle Board from the Village or Circle Fund shall be vested in the Village Committee or Circle Board by which it has been constructed. [Cf. Ben. Act III of 1885, s. 75.]

Power of Circle Board to make rules as to business and affairs.

21. (1) Every Circle Board, with the sanction of the Commissioner, may, and shall, from time to time, if so required by the Commissioner, make rules, regulating— [Cf. Ben. Act III of 1885, s. 82.]

(a) the time, place and notice of its meetings, the business to be transacted at such meetings, the conduct of proceedings thereat, and the due record of all dissents and discussions;

(b) the custody of the common seal and the purposes for which it shall be used;

(c) the division of duties amongst its members;

(d) the powers to be exercised by the Chairman or the Vice-Chairman or by sub-committees or members to whom particular duties are assigned;

(e) the granting of receipts for money received under this Act;

(f) the duties, appointment, leave, leave-allowances and punishment (including suspension and removal) of officers and servants of the Board; and

(g) other similar matters.

(2) All rules made under sub-section (1) shall be published in such manner as the Commissioner may direct.

CHAPTER III.

POWERS AND DUTIES OF VILLAGE COMMITTEES.

Duties of Village Committees.

22. Every Village Committee shall,— [Cf. Ben. Act VI of 1870, s. 41; and Ben. Act III of 1885, ss. 111, 114, 115.]

(1) in accordance with rules made in this behalf under section 111,—

(a) exercise a general control over the Dafadars and Chaukidars of the village;

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clauses 23-25.)

(*b*) provide, as far as possible, for the sanitation and conservancy of the village and for the prevention of public nuisances therein;

(*c*) make special arrangements for the sanitation and conservancy of fairs and mélas held within the village;

(*d*) have control of all drains and other conservancy works within the village which are not under the control of any other authority;

(*e*) execute all works that are necessary for improving the sanitation, conservancy or drainage of the village; and

(*f*) perform all such other acts as may be necessary to carry out the purposes of this Act;

(*2*) perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871; and — I of 1871.

(*3*) if required to do so by the District Magistrate, provide for the registration of births and deaths within the village under the provisions of the Bengal Births and Deaths Registration Act, 1873. — Ben. Act IV of 1873.

Numbers and salaries of Dafadars and Chaukidars.

23. (*1*) The number of Dafadars and Chaukidars to be employed in a village, the salary to be paid to them and the nature and cost of their equipment shall be determined from time to time by the District Magistrate after consideration of the views of the Village Committee. — [Cf. Ben. Act VI of 1870, ss. 11 and 12.]

(*2*) The salaries and the cost of equipment of Dafadars and Chaukidars shall be paid by the Village Committee, and the Dafadars and Chaukidars shall receive their salaries and equipment at such times and in such manner as may be prescribed in this behalf by rules made under section 111. — [Cf. Ben. Act VI of 1870, ss. 43 and 44.]

Appointment and dismissal of Dafadars and Chaukidars.

24. (*1*) The District Magistrate shall appoint such person as he considers fit to be a Dafadar under this Act, and the Village Committee shall, when a vacancy exists, nominate a person to be a Chaukidar under this Act, and the District Magistrate shall, if satisfied with such nomination, appoint such nominee to be Chaukidar: — [Cf. Ben. Act VI of 1870, s. 35.]

Provided that, if the Village Committee fails within a reasonable time to nominate a person to be a Chaukidar, or, if the District Magistrate is not satisfied with such nomination, the District Magistrate shall appoint any person, whom he thinks fit, to be a Chaukidar.

(*2*) The District Magistrate may dismiss any Dafadar or Chaukidar, and the Village Committee may, with the sanction of the District Magistrate, dismiss any Chaukidar.

Power to fine Dafadars and Chaukidars.

25. Every Dafadar and Chaukidar who is guilty of any wilful misconduct in his office, or neglect of his duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, and not being of so grave a character as in the opinion of the District Magistrate to require his dismissal, shall be liable to be punished by the District Magistrate with fine not exceeding the amount of one month's salary. — [Cf. Ben. Act VI of 1870, s. 38.] — Act XLV of 1860.

(*Part I.—Chapter III.—Powers and Duties of Village Committees.—Clause 26.*)

Powers and duties of Dafadars and Chaukidars.

26. (*1*) Every Chaukidar shall exercise the following powers and perform the following duties :— [*Cf.* Ben. Act VI of 1870, s. 39.]

(*i*) he shall give immediate information to the officer in charge of the police-station within the limits of which the village is situated of every unnatural, suspicious or sudden death which may occur, and of any offence specified in Schedule I which may be committed within the village, and he shall keep the police informed of all disputes which are likely to lead to any riot or serious affray;

(*ii*) he may, without an order from a Magistrate and without a warrant, arrest— [*Cf.* Act V of 1898, s. 54 (*1*).]

(*a*) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

(*b*) any person having in his possession, without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

(*c*) any person who has been proclaimed as an offender either under the Code of Criminal Procedure, 1898, or by order of the Local Government; Act V of 1898

(*d*) any person in whose possession anything is found which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence with reference to such thing;

(*e*) any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

(*f*) any person reasonably suspected of being a deserter from His Majesty's Army or Navy or of belonging to His Majesty's Indian Marine Service and being illegally absent from that service;

(*g*) any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India; and 44 & 45 Vict., c. 69.

(*h*) any released convict committing a breach of any rule made under section 565, sub-section (*3*), of the Code of Criminal Procedure, 1898; Act V of 1898.

(*iii*) he shall, to the best of his ability, prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in Schedule I;

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clauses 27-29.)

(*iv*) he shall assist private persons in making such arrests as they may lawfully make, and he shall report such arrests without delay to the officer in charge of the aforesaid police-station;

(*v*) he shall observe, and, from time to time, report to the said officer the movements of all bad characters within the village;

(*vi*) he shall report to the said officer the arrival of suspicious characters in the neighbourhood;

(*vii*) (*a*) in any village in which the Village Committee has not been required under clause (*3*) of section 22 to provide for the registration of births and deaths, he shall report to the said officer at such intervals as the District Magistrate may determine and in the manner prescribed by the District Magistrate, the births and deaths, if any, which have occurred within the village; or

(*b*) in a village in which the Village Committee is required under the said clause to provide for the registration of births and deaths, he shall report to the President of the Village Committee the births and deaths, if any, which have occurred within the village;

(*viii*) he shall supply any local information which the District Magistrate or any police-officer may require;

(*ix*) he shall obey the orders of the Village Committee in regard to keeping watch within the village and in regard to other matters connected with his duties as Chaukidar;

(*x*) he shall assist the person collecting the village rate in making such collection; and

(*xi*) he shall carry out such other duties as may be entrusted to him from time to time in accordance with this Act or any rules made thereunder.

(*2*) Every Dafadar shall exercise all the powers conferred on a Chaukidar under sub-section (*1*) and shall perform such duties as may be imposed upon him by rules made under section 111.

Procedure on arrest by Dafadars or Chaukidars.

27. Whenever a Dafadar or Chaukidar arrests any person under section 26, he shall forthwith take the person so arrested to the police-station within the limits of which such village is situated: [*Cf.* Ben. Act VI of 1870, s. 40.]

Provided that, if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

Fines to be credited to District Chaukidari Reward Fund.

28. All fines realized from a Dafadar or Chaukidar under this Act shall be credited to a District Chaukidari Reward Fund, the control over which shall rest with the District Magistrate. [*Cf.* Ben. Act VI of 1870, s. 42.]

Power of Village Committee as to sanitation, conservancy and drainage.

29. (*1*) If it appears to the Village Committee that, for any reason, it is necessary to improve the sanitary condition of the village or part of the village, the Committee may— [*Cf.* Ben. Act III of 1885, s. 116(*1*), (*2*) and (*3*).]

(*a*) cause huts or privies to be removed either wholly or in part;

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clauses 30, 31.)

(*b*) cause private drains to be constructed, altered or removed;

(*c*) cause streets, passages and public drains to be constructed or widened;

(*d*) cause tanks or low lands to be filled up or deepened; and

(*e*) cause such other improvements to be made as in its opinion are necessary to improve the condition of such village or part.

(*2*) The Village Committee may, by written notice,—

(*i*) require the owner or occupier of any hut, or the owner of any privy, to remove such hut or privy, either wholly or in part, in pursuance of clause (*a*) of sub-section (*1*); or

(*ii*) require the owner or occupier of any building to construct private drains therefor, or to alter or remove private drains thereof, in pursuance of clause (*b*) of sub-section (*1*), within a period to be specified in the notice.

(*3*) If any work required by any such notice is not executed within the period specified in the notice, the Village Committee may itself cause such work to be carried out, and may recover the cost of such work from the owner or occupier of the building or privy as if it were an arrear of rate imposed under section 38.

Power of Village Committee as to cleansing of villages.

30. (*1*) The Village Committee may employ a special establishment for the cleansing of the village or any part of the village. [Cf. Ben. Act III of 1885, s. 117.]

(*2*) Where no establishment is maintained, the Village Committee may, by written notice, require owners or occupiers of land in the village to cleanse their holdings to the satisfaction of the Committee within a period to be specified in the notice.

(*3*) If any person on whom notice has been served under sub-section (2) fails to comply with the requisition contained in the notice, the Village Committee shall, unless reasonable cause to the contrary is shown,

(*a*) cause his holding to be cleansed, and

(*b*) recover from such person such portion of the costs of such cleansing as may be approved by the Circle Officer, as if it were an arrear of rate imposed under section 38.

Power of Village Committee to control erection of new buildings.

31. (*1*) The Village Committee may, subject to rules made in this behalf under section 111, by written order,— [Cf. Ben Act III of 1885, s. 118.]

(*a*) direct, in accordance with a scheme approved by the Circle Board, that no building which it is proposed to erect in such village, and no addition to any existing building therein, shall be placed in advance of an alignment to be prescribed by the Village Committee and demarcated on the ground: and

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clause 32.)

(b) prescribe, in accordance with the said scheme, the space which shall intervene between any new or enlarged building and the building next adjacent and between any new or enlarged building and any road in the village.

(2) Where any building, or any addition thereto, has been placed in contravention of an order passed by the Village Committee under sub-section (1), the Village Committee may apply to the District Magistrate, and such Magistrate may make an order—

(i) directing that the work done, or so much of the same as has been executed in contravention of the order passed under sub-section (1), be demolished by the owner of the building or altered by him to the satisfaction of the Village Committee, as the case may be, within such time as may be fixed by the District Magistrate; or

(ii) directing that the work done, or so much of the same as has been executed in contravention of the order passed under sub-section (1), be demolished or altered by the Village Committee at the expense of the owner within such time as may be fixed by the District Magistrate:

Provided that the Magistrate shall not make any such order without giving the owner and occupier full opportunity of adducing evidence and of being heard in defence.

(3) If any person to whom a direction to demolish or alter any building is given under clause (i) of sub-section (2), fails to obey the same, he shall be liable to a fine which may extend, in the case of a masonry building, to one hundred rupees, and, in the case of any other building, to twenty rupees, and to a further fine which may extend, in the case of a masonry building, to ten rupees, and in the case of any other building, to two rupees for each day during which, after the period fixed by the District Magistrate, he fails to obey the direction to demolish or alter the building.

Power of Village Committee to provide for proper water-supply.

32. (1) A Village Committee may provide the village, or any part thereof, with a supply of water, proper and sufficient, for public and private purposes; and, for such purposes, may— [Cf. Ben. Act III of 1885, s. 118A.]

(a) construct, repair and maintain tanks or wells, and clear out streams or water-courses;

(b) purchase or acquire by lease any tank, well, stream or water-course, or any right to take or convey water within or without the village;

(c) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water-course within the village, or provide facilities for obtaining water therefrom;

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clause 33.)

(*d*) deal with any tank, well, pool, ditch, drain or place containing, or used for the collection of any drainage, filth, stagnant water or matter likely to be prejudicial to health by draining or cleansing it, or otherwise preventing it from being prejudicial to health, but not so as in any case to interfere with any private right;

(*e*) contract with any person for a supply of water; or

(*f*) do any other acts necessary for carrying out the purposes of this section.

(2) When a Village Committee has under clause (*c*) cleansed or repaired or provided facilities for obtaining water from any tank, well, stream or water-course, the same, if the water thereof is fit for drinking or culinary purposes, shall be set apart for those purposes, subject to any rights retained by the owner, with the concurrence of the Committee, and shall be kept open to access by the public.

(3) Any tank, well, stream or water-course which a Village Committee may construct, repair or maintain under clause (*a*), or purchase or acquire by lease under clause (*b*), shall remain under the control and administration of the Village Committee; and the Committee may, by order duly published in the village or part of the village in which such tank, well, stream or water-course is situated, set apart the same, or, subject to the consent of the owner in accordance with the provisions of clause (*c*), any other tank, well, stream or water-course within the village, for the supply of water for drinking or culinary purposes.

(4) Any person who voluntarily corrupts or fouls the water of a tank, well, stream or water-course, which is set apart under sub-section (2) or sub-section (3) for the supply of water for drinking or culinary purposes, shall be punished with fine which may extend to twenty-five rupees.

Village-roads and bridges to be under the control of Village Committee.

33. The Village Committee shall have control of all village-roads and bridges thereon, which are not under the control of the District Board, and may do all things that are necessary for the maintenance and repair of such roads and bridges, and may— [Cf. Ben. Act III of 1885, ss. 108 and 109.]

(*a*) lay out and make new village-roads;

(*b*) build and construct new bridges;

(*c*) turn, divert, discontinue or stop up any village-road or bridge thereon;

(*d*) widen, open, enlarge and otherwise improve any such road or bridge thereon; and

(*e*) provide for the lighting of any road within the village.

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Chapter IV.—Village Fund.—Clauses 34—38.)

Establishment of primary schools and dispensaries.

34. The Village Committee may, subject to any rules made in this behalf under section 111, establish primary schools or dispensaries, or assume charge of existing schools or dispensaries, and shall repair, maintain and manage any school or dispensary under its charge.

Further duties of Village Committees.

35. The District Board may, from time to time, with the consent of the Village Committee, make over to a Village Committee, subject to such conditions as they may deem necessary, the management of any institution or the execution of any work or duty within the area over which the Village Committee has control; and thereupon such Village Committee shall do all things necessary for the management of the institution or the execution of the work or duty:

Provided that the funds necessary for the management of the institution and the execution of the work or duty shall be placed by the District Board at the disposal of the Village Committee.

Power of entry.

36. The Village Committee, or any member, officer or servant thereof, may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for the purposes of, or in pursuance of, clause (*1*) of section 22 or section 29, 30, 31, 32, 33, 34 or 35: [*Cf.* Ben Act III of 1885, s. 118B.]

Provided as follows:—

(*a*) no such entry shall be made between sunset and sunrise;

(*b*) no dwelling-house shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry; and

(*c*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Appointment of Secretary to Village Committee.

37. A Village Committee may appoint a Secretary to assist it in carrying out its duties under this Act, and may pay him such salary as the Committee may consider proper.

CHAPTER IV.

VILLAGE FUND.

Imposition of rate.

38. The Village Committee shall impose yearly on the owners of buildings, tanks, wells, or water-courses, or the occupiers of buildings within the village, a rate equal to— [*Cf.* Ben. Act VI of 1870, ss. 13 and 14; Ben Act III of 1885, s. 118C (*1*).]

(*a*) the amount required, after deduction of the contribution, if any, made by the Local Government, in this behalf, for the salaries and equipment of the Dafadars, Chaukidars and the salary of the Secretary (if any), and

(Part I.—Chapter IV.—Village Fund.—Clauses 39—43.)

(b) in pursuance of a resolution passed by a majority of not less than two-thirds of the members of the Village Committee at a meeting specially convened for the purpose, the amount estimated to be required to meet the expenses of the Committee in providing for the sanitation, conservancy, drainage and water-supply of the village, for the establishment, repair, maintenance or management of primary schools and dispensaries, for any other local works likely to promote the health, comfort and convenience of the public and not otherwise provided for in this Act, and generally for carrying out the other purposes of this Act,

together with ten *per cent.* above such amount to meet the expenses of collection and the losses due to non-realization of the rate from defaulters.

Nature of assessment.

39. (*1*) The rate to be imposed by a Village Committee under section 38 shall be an assessment according to the circumstances and the property within the village of the persons liable to the same. [*Cf.* Ben. Act VI of 1870, s. 18.]

(*2*) Any person who, in the opinion of the Village Committee, is too poor to pay half an anna a month, shall be altogether exempted from payment of any rate under this Act.

Procedure of assessment and revision thereof by the Village Committee.

40. The assessment for the imposition of the rate under section 38 shall be made in accordance with rules prescribed in this behalf under section 111, and any person dissatisfied with the amount at which he has been assessed may, within such time as may be specified in those rules, apply to the Village Committee, either orally or in writing, for a revision of the assessment, and the Village Committee may amend the assessment or confirm the same. [*Cf.* Ben. Act VI of 1870, s. 19.]

Power of District Magistrate to revise assessment list.

41. The District Magistrate may, at any time, call for the lists of any village containing the assessment of the village rate imposed under section 38, and may pass such orders on the lists so called for as he may think proper. [*Cf.* Ben. Act VI of 1870, s. 20.]

Arrears to be recovered by distraint and sale of moveable property of defaulters.

42. The payment of the rate shall be made in accordance with rules prescribed in this behalf under section 111, and, in case of default of any such payment, the President of the Village Committee, or, if so directed by him, the Secretary, shall cause the Chaukidar or any other person authorized in writing by the President or the Secretary to levy, by the distraint and sale of a sufficient portion of the moveable property of the defaulters, the amount of their respective arrears, together with sums equal to such arrears, respectively, by way of penalty. [*Cf.* Ben. Act VI of 1870, s. 27.]

What property may be distrained and sold for arrears.

43. (*1*) The distraint and sale of such moveable property shall be conducted in accordance with rules prescribed in this behalf under section 111.

(*2*) All goods and chattels, except plough-cattle and tools and implements of trade and agriculture, found in or upon any building or land occupied by any defaulter, shall be deemed to be his property, and shall be liable to be distrained and sold for the recovery of the arrear. [*Cf.* Ben. Act VI of 1870, s. 32.]

(*Part I.—Chapter IV.—Village Fund.—Clauses 44—47.*)

(*3*) If any of the goods and chattels distrained belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.

Sale of property beyond limits of the village.

44. If no sufficient moveable property belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the village, the District Magistrate may, on the application of the Village Committee, issue his warrant to any officer of his Court for the distress and sale of any moveable property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any moveable property belonging to the defaulter within the jurisdiction of any other Magistrate exercising jurisdiction within Bengal; and such other Magistrate shall endorse the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Village Committee. [*Cf.* Ben. Act III of 1884, s. 127.]

Irregularities not to avoid distraint.

45. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser on account of any defect, irregularity or want of form in any list, assessment, notice, summons, power, writing, inventory or other proceeding relating thereto, nor shall such person be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them, in any Court of competent jurisdiction, subject to the provisions of section 72. [*Cf.* Ben. Act VI of 1870, s. 81.]

Grants-in-aid from District Fund.

46. The District Board may make to the Village Committee such grants-in-aid from the District Fund, as they may think fit, to enable the Village Committee—

(*i*) to improve the sanitation, water-supply and communications, or

(*ii*) to further primary education, or

(*iii*) for any other local work likely to promote the health, comfort and convenience of the public,

within the area over which the Village Committee has control, and may attach to such grants any conditions that may appear to the District Board to be desirable.

Village Fund.

47. (*1*) All sums realized under section 42 and, subject to the provisions of section 28, all sums realized as fines or costs under this Act, and all other receipts of the Village Committee, Village Bench, or Village Court, shall be paid into a fund to be called "the Village Fund," the accounts of which shall be kept in accordance with rules prescribed in this behalf under section 111.

(Part I.—Chapter IV.—Village Fund.—Chapter V.—Circle Boards.—Clauses 48, 49.)

(2) Except as is otherwise provided in this Act, and subject to such restrictions as the Local Government may from time to time prescribe, the expenses incurred by the Village Committee, the Village Bench or the Village Court in carrying out the purposes of this Act, including such reasonable compensation as the Committee may think fit to pay to owners and occupiers of huts or privies removed under section 29, shall be paid out of the Village Fund: [Cf. Ben. Act III of 1885, s. 116 (4).]

Provided that the salary of the Secretary to the Village Committee and the salaries and cost of equipment of Dafadars and Chaukidars shall be the first charge upon the Village Fund:

Provided also that all sums made over by the District Board to a Village Committee for any specific purpose shall be applied solely to that purpose.

Local Government may advance money in cases of default of payment of salary to Secretary, etc.

48. If at any time the salary of the Secretary to the Village Committee, or any of the salaries or any portion of the cost of equipment of Dafadars and Chaukidars, is in arrear, and if the Local Government advance such sum of money as may be necessary to meet such charge, the Local Government may recover the money so advanced from the Village Committee by the process authorized by the Bengal Public Demands Recovery Act, 1913, for the recovery of arrears of public revenue. Ben. Act III of 1913.

CHAPTER V.

CIRCLE BOARDS.

Duties of Circle Boards.

49. (1) The Circle Board shall—

(i) advise and superintend the working of the Village Committees within the Circle;

(ii) when it supersedes any Village Committee under section 61, exercise all the powers and perform all the duties conferred or imposed by or under this Act on the Village Committee; and

(iii) subject to the direction, if any, of the District Board, make such distribution as the Circle Board thinks fit, among the Village Committees within the Circle, of the sums received from the District Board as a general grant-in-aid.

(2) The Circle Board may, at the request of the District Board, supervise the management of any institution and the execution of any work or the performance of any duty entrusted by the District Board to any Village Committee within the Circle.

(3) The Circle Board may undertake, at the request of the District Board and subject to its control,—

(i) the construction, maintenance and repair of any roads, including the bridges thereon, which fall within the boundaries of two or more villages within the Circle; and

(ii) the performance of any other duty imposed on the District Board by the Bengal Local Self-Government Act of 1885. Ben. Act III of 1885.

(Part I.—Chapter V.—Circle Boards.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 50-53.)

Establishment.

50. The Circle Board may appoint a Secretary and such other establishment as may be necessary to assist it in carrying out its duties under this Act, and may pay them such salary as may be approved by the District Board.

Circle Fund.

51. (1) All receipts of the Circle Board shall be paid into a Fund to be called the "Circle Fund", the accounts of which shall be kept in accordance with rules prescribed in this behalf under section 111.

(2) Except as otherwise provided in this Act and subject to such restrictions as the Local Government may from time to time impose, the Circle Fund shall be applicable to the payment of the establishment employed and of the expenses incurred by the Circle Board in carrying out the purposes of this Act:

Provided that all the sums made over by the District Board to a Circle Board for any specific purpose shall be applied solely to that purpose.

CHAPTER VI.

GENERAL PROVISIONS RELATING TO VILLAGE COMMITTEES AND CIRCLE BOARDS.

Delegation.

Delegation of District Magistrate's powers and duties.

52. The District Magistrate may, by an order in writing, delegate the powers or duties specified in the first column of Schedule II to the officers mentioned in the second column thereof.

Disputes.

Disputes between Village Committees and Circle Boards.

53. (1) If a dispute arises between two or more Village Committees which are subordinate to the same Circle Board, the matter shall be referred to such Circle Board, and the decision of the Circle Board thereon shall be final and binding. [Cf. Ben. Act III of 1885, s. 133.]

(2) If a dispute arises between two or more Village Committees, which are within the same district but which are subordinate to different Circle Boards, the matter shall be referred to the Circle Boards and, if the Circle Boards cannot agree, to the District Board, and the decision of such Circle Boards or District Board, as the case may be, upon the matter so referred, shall be final and binding.

(3) If a dispute arises between a Village Committee, which is subordinate to a Circle Board, and another Circle Board in the same district, the matter shall be referred by the Village Committee to the Circle Board to which it is subordinate and, if the two Circle Boards cannot agree, the matter shall then be referred to the District Board, and the decision of the District Board thereon shall be final and binding.

(4) If a dispute arises between two or more Circle Boards within the area under the authority of a District Board, the matter shall be referred to the District Board, and the decision of such District Board thereon shall be final and binding. [Cf. Ben. Act III of 1885, s. 135.]

(Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 54-59.)

Disputes between local authorities in the same district to be referred to the District Magistrate.

54. If a dispute arises between a municipal authority and a local authority or authorities within the same district, the matter shall be referred to the District Magistrate, and the decision of the District Magistrate upon the matter so referred shall be final and binding: [Cf. Ben. Act III of 1885, s. 136.]

Provided that, if the District Magistrate is a member of one of the local authorities concerned, his functions under this section shall be discharged by the Commissioner.

Decision of disputes not otherwise provided for.

55. (*1*) If any dispute, for the decision of which this Act does not otherwise provide, arises between a Village Committee or Circle Board and any other local or municipal authority, the matter shall be referred— [Cf. Ben. Act III of 1885, s. 137.]

(*a*) to the Commissioner or Commissioners of the Division or Divisions, if the local authorities concerned are in different districts; and

(*b*) to the Governor in Council, if the local authorities concerned are in different Divisions and the Commissioners of those Divisions cannot agree.

(*2*) The decision of the Commissioner or Commissioners, or of the Governor in Council, as the case may be, upon the matter so referred shall be final and binding.

Control.

Powers of Commissioners and of District Magistrates with respect to proceedings of local authorities.

56. (*1*) It shall be the duty of all Commissioners and District Magistrates to see that the proceedings of Village Committees and Circle Boards are in conformity with law and with the rules in force thereunder. [Cf. Ben. Act III of 1885, s. 120.]

(*2*) The Commissioner may, by order in writing, annul any such proceeding which he considers not to be in conformity with law and with the said rules, and may do all things necessary to secure such conformity.

Records to be open for inspection.

57. Every Village Committee and Circle Board shall at all times permit the Commissioner, the District Magistrate, the Subdivisional Magistrate or the Circle Officer to have access to all its books, proceedings and records. [Cf. Ben. Act III of 1885, s. 121.]

Power to inspect works.

58. The Commissioner, the District Magistrate, the Subdivisional Magistrate or the Circle Officer shall have power at all times to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by, or any work in progress under the orders of, or any institution controlled by a Village Committee or Circle Board. [Cf. Ben. Act III of 1885, s. 122.]

Controlling authority.

59. For the purposes of sections 60 and 61, the District Magistrate shall be the controlling authority over Village Committees and the Commissioner shall be the controlling authority over Circle Boards.

(Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 60-62.)

Power to provide for the performance of duties in case of default by Village Committee

60. (*1*) When the controlling authority is informed, on complaint made or otherwise, that a Village Committee or Circle Board has made default in performing any duty imposed on it by or under this Act, he may, by an order in writing, if satisfied, after such inquiry as he may consider necessary, that such Village Committee or Circle Board has made default as alleged, fix a period for the performance of that duty. [*Cf.* Ben Act III of 1885, s. 125.]

(*2*) If that duty is not performed within the period fixed under sub-section (*1*), the controlling authority may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Village Committee or the Circle Board, as the case may be.

(*3*) If the expense and remuneration directed to be paid under sub-section (*2*) are not paid, the controlling authority may make an order directing the person having the custody of the balance of the Village or Circle Fund to pay the said sum or as much thereof as is possible from that balance; and such person shall make payment accordingly.

Power to supersede Village Committee or Circle Board in case of incompetency or wilful neglect of duty.

61. (*1*) If a Village Committee or Circle Board is not competent to perform, or persistently makes default in the performance of the duties imposed upon it by or under this or any other Act, or exceeds or abuses its powers, the controlling authority may, by order specifying the reason for so doing, direct that the Circle Board for the area in which the village is situated, or the District Board, under which such Circle Board has been constituted, shall supersede such Village Committee or Circle Board, as the case may be, for a period to be specified in the order. [*Cf.* Ben Act III of 1885, s. 131.]

(*2*) Such order shall be published locally in such manner as may be provided by rules made under section 111.

Consequence of supersession.

62. (*1*) When a Village Committee or Circle Board is superseded under section 61— [*Cf.* Ben. Act III of 1885, s. 132.]

(*a*) all members constituting the Committee or Board shall, from the date of the issue of the order referred to in that section, vacate their offices as such members;

(*b*) all the powers and duties of the Village Committee or Circle Board, as the case may be, shall, until such Committee or Board is re-constituted, be exercised and performed by the Circle Board or the District Board, as the case may be, and all property vested in the Village Committee or Circle Board shall, during the period of such supersession, be vested in the said Circle Board or District Board.

(*2*) On the expiration of the period of supersession specified in the order referred to in section 61, the Village Committee or Circle Board shall be re-established, by re-election or re-appointment in the manner provided in section 4 or section 8.

(Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 63-66.)

Power to suspend action of Village Committee or Circle Board.

63. The District Magistrate, or the District Board, may, by an order in writing, suspend the execution of any order or resolution of a Village Committee or of a Circle Board, within the jurisdiction of such Magistrate or District Board, or the doing of any act which is about to be done, or is being done, by such Village Committee or Circle Board, if in the opinion of the District Magistrate or the District Board the execution of the resolution or order, or the doing of the act, is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace. [Cf. Ben. Act III of 1885, s. 124.]

Extraordinary powers in case of emergency.

64. (*1*) In case of emergency the District Magistrate may provide for the execution of any work, or the doing of any act which a Village Committee or a Circle Board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the Village Committee or the Circle Board, as the case may be. [Cf. Ben. Act III of 1885, s. 126.]

(*2*) If the expense and remuneration directed to be paid under sub-section (*1*) are not paid, the Magistrate may make an order directing the person having the custody of the balance of the Village Fund or the Circle Fund to pay the said sum, or as much thereof as is possible, from that balance; and such person shall make payment accordingly.

Order of Magistrate or District Board under section 63 or 64 to be reported to the Commissioner.

65. When the District Magistrate or the District Board makes any order under section 63, or the District Magistrate makes any order under section 64, the Magistrate or Board, as the case may be, shall forthwith submit to the Commissioner a copy of the order, with a statement of the reasons for making it and with any explanation which the Village Committee or Circle Board concerned may wish to offer, and the Commissioner may thereupon confirm, modify or rescind the order. [Cf. Ben. Act III of 1885, s. 127.]

By-laws.

Power of Circle Board to make by-laws.

66. (*1*) Every Circle Board may, with the approval of the District Board and subject to the control of the Local Government, make by-laws for carrying out all or any of the purposes of this Act. [Cf. Ben. Act III of 1885, s. 139.]

(*2*) By-laws made under sub-section (*1*) shall have the force of law when confirmed by the Commissioner and published in such manner and at such time as the Local Government may direct.

(*3*) The power to make by-laws conferred by this section is subject to the condition of the by-laws being made after previous publication.

(*Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 67-70.*)

Penalty for infringement of by-laws.

67. In making a by-law under section 66 a Circle Board may provide that a breach of the same shall be punished with a fine which may extend to twenty-five rupees, and in the case of a continuing breach with a further fine which may extend to five rupees for every day during which the breach is continued after the offender has been convicted of such breach. [*Cf.* Ben. Act III of 1885, s. 140.]

Miscellaneous.

Penalty on member, officer or servant being interested in contracts made with a local authority.

68. (*1*) If any member of a local authority, other than a member of a Village Committee acting with the sanction of the Circle Board, or if any officer or servant maintained by or employed under a local authority, has, directly or indirectly, any share or interest in any work done by order of the local authority of which he is a member, or by which he is maintained, or under which he is employed, or in any contract with or under such local authority, he shall be liable on conviction before a Criminal Court to a fine which may extend to five hundred rupees: [*Cf.* Ben. Act III of 1885, s. 144.]

Provided that the penalty herein prescribed shall not be deemed to apply by reason only of a person—

(*a*) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the local authority; or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local authority may be inserted; or

(*c*) holding a debenture or being otherwise concerned in any loan raised by, or on behalf of, the local authority

(*2*) Nevertheless it shall not be lawful for a person having any share or interest, such as is described in clauses (*a*) and (*b*) of the proviso to sub-section (*1*), to act as a member of the local authority in any matter relating to a contract or agreement between the local authority and such company or the manager or publisher of such newspaper.

(*3*) Nothing in this section shall apply to the payment of fees to a legal practitioner for services rendered by him in his professional capacity.

Power to make compensation out of the Village or Circle Fund.

69. Every Village Committee or Circle Board may make compensation out of the Village Fund or the Circle Fund, respectively, to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act. [*Cf.* Ben. Act III of 1885, s. 145.]

Liability of members.

70. (*1*) No person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Village Committee or Circle Board, unless such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a Village Committee or Circle Board. [*Cf.* Ben. Act III of 1885, s. 142.]

(Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 71-73.)

(2) In case of such neglect or misconduct a suit for compensation for loss, waste or misapplication may be instituted against such person, in such Court as the Local Government may direct, by the District Board with the sanction of the Local Government or by the Secretary of State for India in Council.

Bar to suits.

71. No suit or other legal proceeding shall lie against a Village Committee or a Circle Board, or any member or officer thereof acting under the direction of such Committee or Board, in respect of anything lawfully and in good faith and with due care and attention done under this Act or any rule made hereunder. [Cf. Ben. Act V of 1911, s. 155, and Ben. Act VI of 1914, s. 27.]

No suit to be brought until one month's notice of cause of action.

72. (1) No suit or other legal proceeding shall be brought against the members of any Village Committee or Circle Board or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Committee or Board, and also (if the suit is intended to be brought against any member or officer of the said Committee or Board, or any person acting under their direction) at the place of abode of the person against whom such suit is intended to be brought, stating the cause of action and the name and place of abode of the person who intends to bring the suit; and unless such notice be proved, the Court shall find for the defendant. [Cf. Ben Act III of 1885, s. 146.]

(2) Every such action shall be commenced within three months after the accrual of the cause of action, and not afterwards.

(3) If any such person to whom a notice under sub-section (1) is given shall, before a suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

Abolition of Panchayats and Local Boards and Union Committees.

73. (1) When Village Committees and Circle Boards have been duly constituted in any district or part thereof, in accordance with the provisions of this Act, the Panchayats appointed under the Village Chaukidari Act, 1870, and the Union Committees and Local Boards established under the Bengal Local Self-Government Act of 1885, shall be *ipso facto* abolished in such district or part, and the enactments specified in Schedule III shall be deemed to be repealed or amended to the extent and in the manner mentioned in the fourth column thereof, in such district or part. [Ben. Act VI of 1870.] [Ben. Act III of 1885.]

(2) When the provisions of this Act are withdrawn from any district or part thereof, the provisions of sub-section (1) shall cease to operate and the enactments specified in Schedule III shall be deemed to be revived forthwith in such district or part from the date of the publication in the *Calcutta Gazette* of the notification of withdrawal.

(3) The Local Government may direct, by notification, that, from the date of the abolition of any Union Committee in accordance with sub-section (1), all [Cf. Ben Act III of 1885, s. 45, and Ben. Act V of 1911, s. 177.]

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 74-76.)

properties, funds or dues which are vested in or realizable by the said Union Committee, shall vest in or be realizable by, as the case may be, such local authority as may be specified in the notification.

PART II.

CHAPTER VII.

VILLAGE BENCHES AND VILLAGE COURTS.

Village Benches.

Constitution of Village Bench.

74. Whenever a Village Committee has been established, the Local Government may, by notification, appoint all or any of the members of the Committee to be a Village Bench for the trial of the offences specified in Schedule IV, and may at any time cancel any such notification.

Jurisdiction of Village Bench.

75. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Village Bench shall have jurisdiction concurrent with that of the Criminal Court, within the local limits of whose jurisdiction the village is situated, for the trial of all offences specified in Schedule IV, Part A, committed within the village, and the Village Bench may try any offence specified in Schedule IV, Part B, committed within the village, if the case is transferred to the Bench by a District Magistrate or Subdivisional Magistrate : Act V of 1898.

Provided as follows :—

(*a*) a Magistrate before whom a complaint of an offence cognisable by a Village Bench is brought may, unless sufficient reasons exist to the contrary, refer the complainant to the Village Bench ;

(*b*) the District Magistrate or Subdivisional Magistrate may transfer any case from one Village Bench to another or to any other Court subordinate to him.

How case may instituted.

76. A case before a Village Bench may be instituted by petition, made orally or in writing, to the President of the Bench or to a member of the Village Bench, empowered by the President with the approval of the District Magistrate to receive petitions. If the petition is made orally, the President, or the member aforesaid, shall record the name of the petitioner, the name of the person against whom the petition is brought and the nature of the offence charged against such person and such other particulars, if any, as may be prescribed by rules made under section 111, and shall direct the petitioner to appear before the Bench on a certain date.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 77-80.)

Power of Bench to dismiss or to refuse to entertain petition.

77. (*1*) If upon the face of the petition, or on examining the petitioner, the Bench is of opinion that the petition is frivolous, vexatious or untrue, it shall dismiss the case by order in writing.

(*2*) If at any time it appears to the Bench—

(*a*) that it has no jurisdiction to try the case, or

(*b*) that the offence is one for which the sentence which the Bench is competent to pass would be inadequate, or

(*c*) that the case is one which should not be tried by the Village Bench,

it shall refer the petitioner to the proper Court.

Dismissal of case for default.

78. If in any case before a Village Bench the petitioner fails to appear on the day fixed, or if in the opinion of the Bench he shows negligence in prosecuting his case, the Bench may dismiss the case for default, and such order of dismissal shall operate as an acquittal.

Summons to accused to appear and answer.

79. (*1*) If the petition be not dismissed under section 77 or under section 78, the Village Bench shall, subject to the provisions of section 107, by summons or otherwise, require the accused to appear and answer the petition.

(*2*) If on the day fixed for the trial the accused fails to appear, the Bench may cause him to be produced before it.

(*3*) If the accused cannot be found, the Bench shall report the fact to the nearest Magistrate who may issue a warrant for the arrest of the accused and forward him on apprehension for trial to the Bench, or release him on bail to appear before it.

(*4*) When an accused is brought in custody before a Village Bench under sub-section (*3*) the Bench shall proceed to try him with the least possible delay, and until the trial is completed may detain him in custody in such place and in such manner as may be provided by rule made under section 111.

Bar to appeal from or revision of the order of Village Bench.

80. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried by a Village Bench, nor shall any application in revision be entertained by any Court in respect of any order passed by such Bench: Act V of 1898.

Provided that the Subdivisional Magistrate, or the District Magistrate for any part of a district not under the charge of a Subdivisional Magistrate, may cancel any decision or order of a Village Bench and direct the restoration or retrial of any case by the same or any other Village Bench or by any other Court subordinate to him, if the Subdivisional Magistrate or District Magistrate, as the case may be, is satisfied that a serious failure of justice has occurred.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 81-83.)

Power of Village Bench to impose fine or to award compensation.

81. (*1*) A Village Bench shall record its decision by order in writing, and may sentence any offender convicted by it to pay a fine not exceeding twenty-five rupees.

(*2*) If a Village Bench is satisfied that a complaint made before it or transferred to it for trial is vexatious or frivolous, the Bench may order the complainant to pay to the accused such compensation, not exceeding twenty-five rupees, as it thinks fit.

(*3*) A Village Bench, at the time of passing judgment under sub-section (*1*), or of making an order under sub-section (*2*), may sentence the person against whom the judgment or order is passed to imprisonment for a period not exceeding seven days in default of payment of fine or compensation and, if the same be not paid within ten days of the passing of the sentence, or within such further time, if any, as the Bench may allow, may cause him to be arrested and may commit him to the nearest jail to serve his sentence:

Provided that, notwithstanding anything contained in the Indian Penal Code,— Act XLV of 1860.

(*a*) the fine imposed or compensation awarded by a Village Bench shall not be realized from any person who has served his term of imprisonment under this section;

(*b*) the person serving his term of imprisonment shall be forthwith released, if the fine or compensation is paid before the expiry of the term of imprisonment:

Provided also that no woman shall be sentenced to imprisonment in default of payment of fine or compensation:

Provided also that the imprisonment in default of payment of compensation shall be simple.

Village Courts.

Constitution of Village Court.

82. Whenever a Village Committee has been established, the Local Government may, by notification, appoint all or any of the members of the Committee to be a Village Court for the trial of all or any of the classes of civil suits specified in section 83, and may at any time cancel any such notification.

Jurisdiction of Village Court.

83. Notwithstanding anything contained in the Bengal, Agra and Assam Civil Courts Act, 1887, the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, and subject to the provisions of section 84 and section 85, the Village Court and the Court of the Munsif, within the local limits of whose jurisdiction the village is situated, shall have concurrent jurisdiction to try the following classes of suits, namely:— XII of 1887. IX of 1887. Act V of 1908. [C. P. Act III of 1892, s. 9.]

(*a*) suits for money due on contracts;

(*b*) suits for the recovery of moveable property or the value of such property; and

(*c*) suits for compensation for wrongfully taking or injuring moveable property,

(*Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 84-86.*)

when the value of the suit does not exceed twenty-five rupees; and

(*d*) suits of the kinds specified in clauses (*a*), (*b*) and (*c*), when the value of the suit exceeds twenty-five rupees but does not exceed two hundred rupees:

Provided that the Court of the Munsif, within the local limits of whose jurisdiction the village is situated,—

(*i*) on the application of either party to the suit, may withdraw any suit of the classes specified in clauses (*a*), (*b*) and (*c*), and

(*ii*) on the application of a defendant, shall withdraw any suit of the classes specified in clause (*d*),

from a Village Court for trial by itself.

Certain suits not to be tried by Village Court.

84. No suit shall lie in any Village Court— [U. P. Act III of 1892, s. 9, prov.]

(*1*) on a balance of partnership account,

(*2*) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will,

(*3*) by or against Government or public officers in their official capacity,

(*4*) by or against persons of unsound mind,

(*5*) for the assessment, enhancement, reduction, abatement, apportionment or recovery of rent of immoveable property, or

(*6*) by a mortgagee of immoveable property for the enforcement of the mortgage by foreclosure or sale of the property or otherwise, or by a mortgagor of immoveable property for the redemption of the mortgage.

Local limits of jurisdiction of Village Court.

85. (*1*) No suit other than a suit relating to immoveable property shall lie in any Village Court, unless all or any of the defendants reside within the village at the time of the institution of the suit.

(*2*) No suit relating to immoveable property shall lie in any Village Court, unless such property or any part thereof is situated within the village.

How suit may be instituted.

86. (*1*) A suit before a Village Court may be instituted before such Court, in such manner as may be provided by rule under section 111, by petition made orally or in writing. If the petition is made orally, the Court shall record the name of the petitioner and the name of the person against whom the petition is brought, and the nature of the claim put forward against such person and such other particulars, if any, as may be prescribed by rules made under section 111.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 87-92.)

(2) The plaintiff on instituting his suit shall state the value of the claim.

Dismissal of suit.

87. (1) If at any time the Village Court is of opinion that the suit is barred by limitation, the Court shall dismiss the suit by order in writing.

(2) If at any time it appears to the Court that it has no jurisdiction to entertain the suit, the Court shall refer the petitioner to the proper Court.

Dismissal of suit for default.

88. If in any suit before a Village Court the petitioner fails to appear on the day fixed, or, if in the opinion of the Court, he shows negligence in prosecuting his suit, the Court may dismiss the suit for default:

Provided that a Village Court may restore a suit dismissed for default, if within thirty days from the date of such dismissal the plaintiff satisfies the Court that he was prevented by sufficient cause from appearing. [Cf. Mad. Act I of 1889, s. 32.]

Summons to defendant to appear and answer.

89. If on receiving the petition the Village Court is satisfied that the trial of the suit may be proceeded with, it shall, by summons or otherwise, require the defendant to appear and answer the suit.

Ex parte decision.

90. If the defendant fails to appear and the Village Court is satisfied that he has received notice of the date fixed for the hearing, the Court may decide the suit *ex parte*:

Provided that any defendant against whom a suit has been decided *ex parte* may, within thirty days from the date of executing any process for enforcement of the decision, apply to the Village Court to set aside the order; and the Court, if satisfied that the defendant did not receive due notice of the date of hearing, or was prevented from appearing by any sufficient cause, shall set aside the decision and shall appoint a day for proceeding with the suit. [Cf. Mad. Act I of 1889, s. 33.]

No order to be set aside without notice to opposite party.

91. No decision or order of a Village Court shall be set aside on application under section 88 or section 90 unless notice in writing has been served by the Village Court on the opposite party. [Cf. Mad. Act I of 1889, s. 34.]

Power of Village Court to determine necessary parties.

92. (1) The Village Court shall add as parties to a suit any persons whose presence as parties it considers necessary for a proper decision thereof, and shall enter the names of such parties in the register of suits, and the suit shall be tried as between the parties whose names are entered in the said register:

Provided that when any party is added, he shall be given an opportunity of appearing on notice given to him in accordance with rule made under section 111 before the trial of the suit is proceeded with.

(*Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 93-99.*)

(*2*) In all cases where a new party appears under the proviso to sub-section (*1*) during the trial of a suit, he may require that the trial shall begin *de novo*.

Certain suits not to be tried by Village Court.

93. No Village Court shall proceed with the trial of any suit in which the matter directly and substantially in dispute is pending for decision in the same Court or in any other Court in a previously instituted suit between the same parties, or between parties under whom they or any of them claim, or has been heard and finally decided in a suit between the same parties, or between parties under whom they or any of them claim. [*Cf.* Pun. Act VI of 1912, s. 6.]

Decision of Village Court.

94. When the parties or their agents have been heard and the evidence on both sides considered, the Village Court shall, by written order, make such decision as may seem just, equitable and according to good conscience, and the decision shall also have the effect of a decree. [*Cf.* Mad. Act I of 1889, s. 45.]

Instalments.

95. A Village Court in ordering the payment of a sum of money or the delivery of any moveable property may direct that the money be paid, or the moveable property be delivered, by instalments. [*Cf.* Pun. Act VI of 1912, s. 17.]

Decision of Village Court to be final.

96. The decision of a Village Court in every suit shall be final as between the parties to the suit:

Provided that the District Judge may, on the application of either party, cancel the order of the Village Court and direct a retrial of the suit by the same or any other Village Court or by any other Court subordinate to him if he is satisfied that there has been a serious failure of justice.

Death of parties.

97. If the plaintiff or defendant in any suit dies before the suit has been decided, the suit may be proceeded with at the instance of, or against, the heirs of the deceased plaintiff or defendant, as the case may be.

Application for withdrawal of suits from Village Courts or revision of the decision of such Courts.

98. Any party applying—

(*1*) to have a suit withdrawn from a Village Court under the proviso to section 83 for trial in the Court of the Munsif, within the local limits of whose jurisdiction the village is situated, or [*Cf.* Mad. Act I of 1889, s. 22.]

(*2*) under the proviso to section 96 for the retrial of a suit decided by a Village Court,

shall, before such application for withdrawal or retrial is entertained, pay to the Court to which such application is made, the amount of fees payable by the plaintiff under the Court-fees Act, 1870, in respect of such suit: VII of 1870.

Provided that the Court may order the refund of the amount of fees paid under section 7 of the Court-fees Act, 1870, by any party in accordance with clause (*2*), if the Court grants the application for retrial of a suit by the same or any other Village Court.

99. (*1*) In all suits tried by the Village Court the costs shall be one anna in the rupee on the amount of the claim.

(*Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 100-103.*)

(*2*) If the claim is decreed in full, the costs shall be realized from the judgment-debtor together with the amount decreed.

(*3*) If the amount is decreed in part, the costs shall be realized *pro rata* from the decree-holder and the judgment-debtor.

(*4*) If the suit is dismissed, the costs shall be realized from the plaintiff.

(*5*) All costs realized by the Village Court shall be credited to the Village Fund and shall not be paid to either party.

Disallowance of costs in certain cases.

100. If any suit is instituted in the Court of a Munsif which, in the opinion of the Munsif who tries the same (whose opinion shall be final), ought to have been instituted in the Village Court, no costs shall be allowed to a successful plaintiff, and a successful defendant shall be allowed his costs as between pleader and client.

Village Court to declare value of claim in certain cases.

101. When the claim in any suit before a Village Court is not for a specified sum, the Village Court shall declare the value of the claim both for determining the question of jurisdiction and also for the levy of costs.

Execution of decree.

102. (*1*) If the Village Court granting a decree is unable to effect satisfaction thereof, it shall grant the decree-holder a certificate to that effect. [Cf. Act VI 1912,

(*2*) Any decree-holder wishing to excute a decree of a Village Court may apply to the Court of the Munsif within the local limits of whose jurisdiction the village is situated and shall present with his application a certified copy of the order of the Village Court; but no application for execution shall be entertained by the Munsif— [Cf. Part Act VI of 1912, s. 28]

(*a*) unless the Village Court has certified that application for execution of the decree has been made to it in due time, but that it is unable to effect satisfaction of the decree, and

(*b*) unless the application is made after the expiry of three months from the date of the decree.

(*3*) In executing a decree of a Village Court a Munsif shall have the same powers and follow the same procedure as if he were executing a decree passed by himself, and the costs of execution shall be paid to the decree-holder. The costs in the suit shall be credited to Government.

General provisions relating to Village Benches and Village Courts.

Procedure in Village Benches and Village Courts.

103. (*1*) The provisions of—

(*a*) the Court-fees Act, 1870, VII of 1870.

(*b*) the Code of Criminal Procedure, 1898, excepting Chapter XXXIII, and Act V of 1898

(*c*) the Code of Civil Procedure, 1908, Act V of 1908.

shall not apply to any trial, suit or proceeding before a Village Bench or a Village Court.

(*2*) The procedure to be followed by a Village Bench or a Village Court in any trial, suit or proceeding and in the enforcement of its decisions and orders, and in the method of forming a quorum shall, subject to the provisions of this Act, be in accordance with rules prescribed in this behalf under section 111.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 104, 105.)

Persons who are to preside over Village Bench or Village Court.

104. (*1*) The Village Bench and the Village Court shall be presided over by the President of the Village Committee, if he is a member of the Bench or Court.

(*2*) If the President of the Village Committee is absent from a sitting of the Village Bench or Court, or if he is not a member of the Bench or Court, the Bench or Court, as the case may be, shall be presided over by one of its members selected in accordance with rules prescribed in this behalf under section 111.

(*3*) In case of difference of opinion among the members of the Bench or Court the decision or order of the Bench or Court shall follow the opinion of the majority of the members present and voting.

(*4*) In case of an equality of votes, the person presiding over the Bench or Court shall have a second or casting vote.

Attendance of witnesses.

105. (*1*) Subject to such conditions and limitations as may be prescribed by rules made under section 111 and subject to the provisions of section 107, a Village Bench or a Village Court may, by summons or otherwise, send for any person to appear and give evidence or to produce or cause the production of any document: [Cf. Pun. Act VI of 1912, s. 16.]

Provided that no person who is exempt from personal appearance in Court under section 133, sub-section (*1*), of the Code of Civil Procedure, 1908, shall be required to appear in person before a Village Court. Act V of 1908.

(*2*) A Village Bench or a Village Court shall refuse to summon a witness or to enforce a summons already issued against a witness, where, in the opinion of the Bench or Court, the attendance of the witness cannot be procured without an amount of delay, expense, or inconvenience which, under the circumstances of the case, would be unreasonable.

(*3*) A Village Bench or Village Court shall not require any person living at a distance exceeding fifteen miles from the Bench or Court to give evidence, unless such sum of money as appears to the Bench or Court to be reasonable and sufficient to defray the travelling and other expenses of the person summoned in attending and returning from the Bench or Court and one day's attendance thereat, together with full and sufficient remuneration for the time spent in so doing, away from his ordinary occupations, be tendered to him when the summons is served.

(*4*) Every person, whom a Village Bench or a Village Court summons by written order to appear or give evidence, or to produce any document before it, shall be bound to obey such summons as if it were a summons issued by a regular Court under the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, as the case may be, and in case of disobedience, shall be liable to the like penalties. [Cf. Pun. Act VI of 1912, s. 33.] Act V of 1898. Act V of 1908.

(*5*) A Village Bench may take cognizance of any offence under this section committed against its order

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 106—110.)

or against the order of the Village Court on application by a member of the Bench or Court and may try the case and, if the offence is proved, may convict the offender and sentence him to a fine not exceeding twenty-five rupees.

Appearance of parties before Village Bench or Village Court.

106. (*1*) The parties to cases triable by a Village Bench shall appear personally before such Bench :

Provided that the Village Bench, if it sees reason so to do, may dispense with the personal attendance of an accused and permit him to appear by agent.

(*2*) The parties to suits triable by a Village Court may appear by agent.

"Agent" in sub-sections (*1*) and (*2*) means a full-time servant or a partner or a relative of the party, whom the Village Bench or Village Court may admit as a fit person to represent a party, and who is authorized by general or special authority in writing to appear and plead for such party. [*Cf.* U. P. Act III of 1892, s. 28 (2), (3).]

(*3*) Notwithstanding anything contained in the Legal Practitioners Act, 1879, legal practitioners shall not be permitted to practise before a Village Bench or Village Court. XVIII of 1879.

Appearance of woman and minor.

107. (*1*) No woman shall, against her will, be compelled to appear in person before a Village Bench or Village Court either as an accused, a defendant or a witness.

(*2*) A near relative of a woman or of a minor may appear on their behalf as a party to a suit.

Realization of fine, etc.

108. All fines imposed or compensation awarded by a Village Bench and all sums decreed and costs awarded by a Village Court may be realized by the Village Bench or Village Court in the same manner as an arrear of rate imposed under section 38.

Registers and records.

109. Every Village Bench and Village Court shall maintain a register of cases and a register of suits, respectively, and shall maintain such other registers and records and submit such returns as may be prescribed by rules made under section 111. [*Cf.* Pun. Act VI of 1912, s. 8.]

Certain documents not to be charged with fees.

110. (*1*) The following documents shall not be chargeable with any fee :—

(*a*) petitions, applications, informations or processes in respect of any of the offences triable by a Village Bench, when presented, made or laid before the Village Bench, and

(*b*) petitions or processes in suits triable by a Village Court, when presented, made or laid before a Village Court.

(*2*) The Local Government may, by rules made in this behalf under section 111, prescribe the fees, if any, to be levied by the Village Bench or Village Court for copies of any document, and may determine the procedure for the furnishing of such copies.

(*Part III.—Chapter VIII.—Miscellaneous.—Clause 111.*)

PART III.

CHAPTER VIII.

MISCELLANEOUS.

Rules.

Power of Local Government to make rules.

111. (*1*) The Local Government may from time to time make rules to carry out the purposes of this Act. [*Cf.* Ben Act III of 1885, s. 138.]

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules—

(*a*) determining the manner and time of appointment or election of members of Village Committees and Circle Boards established under this Act, the qualifications and disqualifications of such members, the qualifications and disqualifications and registration of voters and candidates and the manner in which the votes shall be taken, and generally regulating all elections under this Act and determining the authority who shall decide disputes relating to such elections;

(*b*) fixing the time within which the elections of the President of a Village Committee and the Chairman of a Circle Board shall be held, the time within which the Vice-Chairman of a Circle Board shall be elected and the time within which elections to fill casual vacancies in such offices shall be held;

(*c*) regulating the powers of Village Committees and Circle Boards to transfer property;

(*d*) prescribing the powers to be exercised by the President of a Village Committee or by sub-committees or members thereof;

(*e*) regulating the conduct of meetings of Village Committees and the method of forming a quorum, and the appointment, leave, leave-allowances and punishment (including suspension and removal) of officers and servants of a Village Committee;

(*f*) regulating the powers of Village Committees and Circle Boards to contract and do other things necessary for the purposes of their constitution, and the mode of executing such contracts;

(*g*) prescribing the registers and records to be maintained and the returns to be submitted by Village Committees, Circle Boards, Village Benches and Village Courts;

(*h*) regulating the powers and duties of Village Committees in regard to the control to be exercised by them over Dafadars and Chaukidars within the village;

(*i*) prescribing the powers and duties of Dafadars, and fixing the time and manner of the payment by the Village Committee of

(*Part III.—Chapter VIII.—Miscellaneous.—Clause 111.*)

the salaries of Dafadars and Chaukidars, and the cost of their equipment;

(*j*) regulating the powers and duties of Village Committees in regard to sanitation, conservancy, drainage, buildings, roads, bridges and water-supply under sections 22, 29, 30, 31, 32, 33 and 36, and the powers and duties of Village Committees in regard to schools and dispensaries under section 34, and defining and prohibiting public nuisances within the village;

(*k*) for the making of an assessment by the Village Committee under section 40, for imposing the rate under section 38, and prescribing under section 42 the method and time of payment of such rate;

(*l*) for the conduct of the distraint and sale of moveable property of defaulters under section 43;

(*m*) prescribing the method in which the accounts of the Village Fund and of the Circle Fund shall be kept and audited, the financial safeguards to be maintained and the estimates to be submitted by Village Committees and Circle Boards, and providing for the appointment and payment of auditors of the accounts of Village Committees and Circle Boards;

(*n*) prescribing the manner in which orders under section 61 shall be published;

(*o*) prescribing the particulars of petitions under sections 76 and 86 which shall be entered in the registers of Village Benches and Village Courts;

(*p*) determining the manner in which the person to preside over a Village Bench or a Village Court, in the absence of the President of the Village Committee, or when the President of the Village Committee is not a member of the Bench or Court, shall be selected;

(*q*) regulating the procedure to be followed by a Village Bench or a Village Court in the institution, trial and disposal of criminal cases and civil suits, and prescribing the method of forming a quorum;

(*r*) regulating the issue, service or execution of summonses, warrants and other processes by Village Benches or Village Courts, the detention of persons apprehended under section 79 and the issue and service of notices by Village Committees;

(*s*) determining the procedure for the execution of decrees, orders and sentences of Village Courts and Village Benches;

(*t*) regulating the transfer by Village Benches or Village Courts of summonses, warrants and other processes to ordinary Courts for their service or execution by such Courts; and

(Part III.—Chapter VIII.—Miscellaneous.—Clauses 112-115.)

(*u*) prescribing the fees to be levied by Village Benches and Village Courts for copies of documents, and determining the procedure to be followed in furnishing such copies.

(*3*) The rules made under sub-section (*2*) shall be published in such manner as the Local Government may direct, and shall thereupon have the force of law.

(*4*) In making any rule under clause (*j*) of sub-section (*2*) the Local Government may provide that a breach of the same shall be punished with a fine which may extend to ten rupees.

(*5*) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

Member of Village Bench or Court not to try case or suit in which he is interested.

112. No member of a Village Bench or Village Court shall try any case or suit or other proceeding to or in which he is a party, or personally interested. [*Cf.* Act V of 1898, s. 556; U. P. Act III of 1892, s. 12.]

Members of Village Committee, etc., not to bid for or buy property sold.

113. No member of a Village Committee, Village Bench or Village Court, or other officer having any duty to perform in connection with any sale under this Act, shall directly or indirectly bid for or acquire any interest in any property sold at such sale. [*Cf.* Mad. Act I of 1889, s. 61.]

Prosecutions.

Prosecutions.

114. Prosecutions under this Act for breach of by-laws may be instituted by the Circle Board, or by any person authorized by it in this behalf. [*Cf.* Ben. Act III of 1885, s. 141.]

Membership not a bar to trial of cases.

115. A Judge or a Magistrate shall not be deemed to be a party to, or personally interested in, any case under this Act, within the meaning of section 556 of the Code of Criminal Procedure, 1898, merely because he is a member of the Village Committee or Circle Board. [*Cf.* Ben. Act III of 1885, s. 141.] Act V of 1898.

SCHEDULE I.

(*See* section 26.)

Offences to be reported by a Chaukidar.

Murder, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, robbery, theft, mischief by fire, house-breaking, counterfeiting coins, causing grievous hurt, riot, administering stupefying drugs, kidnapping, and all attempts and preparations to commit, and abetments of, the said offences. [*Cf.* Ben. Act VI of 1870, Sch. B.]

(*Schedule II.—Powers and duties which may be delegated by the District Magistrate.*)

SCHEDULE II.

POWERS AND DUTIES WHICH MAY BE DELEGATED BY THE DISTRICT MAGISTRATE.

[*See* section 52.]

Powers or duties.	To whom may be delegated.
1. Appointment under section 14 of member in casual vacancy in a Village Committee	Subdivisional Magistrate.
2. Acceptance under sub-section (*1*) of section 15 of resignation of President of Village Committee ...	Ditto ditto.
3. Appointment under section 17 of a President of a Village Committee, or of a Chairman, or Vice-Chairman of a Circle Board, in default of election to fill a casual vacancy	Ditto ditto.
4. Appointment and dismissal of Dafadars and Chaukidars under section 24 ...	Subdivisional Magistrate, Superintendent of Police, or Circle Officer.
5. Fining of Dafadars and Chaukidars under section 25	Ditto ditto.
6. Requiring Chaukidar to supply local information under section 26 (*viii*)	Subdivisional Magistrate.
7. Control over District Chaukidari Reward Fund under section 28 ...	Subdivisional Magistrate. Superintendent of Police, or Circle Officer.
8. Calling for and revision of assessment lists under section 41 ...	Subdivisional Magistrate.
9. Issue of warrant under section 44 for distraint and sale of property of absentees for satisfaction of village rate ...	Ditto ditto.
10. Seeing that the proceedings of Village Committees and Circle Boards are in conformity with law under sub-section (*1*) of section 56	Ditto ditto.

(Schedule III.—Enactments repealed or amended.)

SCHEDULE III.

ENACTMENTS REPEALED OR AMENDED.

(*See* section 73.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1870	VI	The Village Chaukidari Act, 1870.	The whole except sections 1, 48 to 61 (Part II), 66 and 67, and Schedules C and D, shall be repealed.
1871	I	The Bengal Village Chaukidari Act, 1871.	The whole shall be repealed.
1885	III	The Bengal Local Self-Government Act of 1885.	1. In the definition of "local authority" in section 5, the words "Local Board" and the words "Union Committee or Joint Union Committee" shall be omitted, and after the words "under this Act" the words and figures "and, except in sections 80, 81, 120, 121, 122, 124, 126, 127, 129, 136, 137 and 144, includes any Village Committee or Circle Board constituted under the Bengal Village Self-Government Act, 1918" shall be inserted. 2. In the heading and sub-heading of Chapter I, Part I, the words "and Local Boards" shall be omitted. 3. In section 6, the second paragraph and the proviso thereto and, in the last paragraph, the words from "and a Local Board" to the words "by notification, direct", shall be omitted. 4. In section 7.— (*i*) the word "Circle" shall be substituted for the word "Local" wherever it occurs; (*ii*) the words and figures "under the provisions of the Bengal Village Self-Government Act, 1918" shall be inserted between the words "district" and "such", in the second paragraph; and (*iii*) for the words and figures "section 13 of this Act" in the second proviso to the second paragraph the words and figures "the Bengal Village Self-Government Act, 1918" shall be substituted. 5. Sections 8, 9, 11, 13, 14, 15, 25, 26, 36, 37 to 44 (Chapter II of Part I), 51, 56 to 58 (Chapter III of Part II), 101 to 103 (Chapter II of Part III), 104 to 119 (Chapter III of Part III), 130, 133, 135 and Schedule III of the Act shall be repealed. 6. In section 10, the words "or Local Board" shall be omitted. 7. In section 12, the words "or by three", in the two places where they occur, and the words "or one-third, as the case may be" shall be omitted.

(*Schedule III.—Enactments repealed or amended.*)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III—*contd.*	The Bengal Local Self-Government Act of 1885.—*contd.*	8. In section 17, the following words shall be omitted, namely :— (*i*) "or Local Board", (*ii*) "in the case of a member of a District Board", (*iii*) "and in the case of a member of a Local Board to the District Board'", and (*iv*) "or District Board, respectively". 9. In sections 18 and 18A, the words "Local Board or Union Committee" shall be omitted. 10. In sections 19 and 19A, the words "or Local Board", wherever they occur, shall be omitted. 11. In section 21, the words "and Local Boards" shall be omitted. 12. In section 26A, the words "or Local Board" shall be omitted and the word "its" shall be substituted for the word "their". 13. In section 27, the following words shall be omitted, namely :— (*i*) "or Local Board", in the two places where they occur, (*ii*) "in the case of a Chairman of a District Board", (*iii*) "and in the case of a Chairman of a Local Board, to the Commissioner", and (*iv*) "or Commissioner, as the case may be". 14. In section 28, the words "or Local Board", in the two places where they occur, shall be omitted. 15. (*1*) In section 29, the following shall be omitted, namely :— (*i*) in sub-section (*2*),— (*a*) the words "a Chairman of a Local Board, or", (*b*) the words "or Local Board", (*c*) the words "Chairman or", and (*d*) the words "as the case may be"; (*ii*) in sub-section (*3*),— (*a*) the words "or Local Board", and (*b*) the words and brackets "(in the case of a District Board) or the Commissioner (in the case of a Local Board)". 16. In section 29A, sub-section (*1*), the words "or Local Board" and the words "or Chairman or Vice-Chairman of a Local Board" shall be omitted. 17. In section 29B, for the words "District or Local Board, as the case may be" the words "District Board" shall be substituted. 18. In section 31, in the first paragraph the words "or Local Board", and the whole of the last paragraph of that section, shall be omitted.

(Schedule III.—Enactments repealed or amended.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III—*contd.*	The Bengal Local Self-Government Act of 1885.—*contd.*	19. In the first paragraph of section 32, the following shall be omitted, namely :— "and any Local Board, with the sanction of the District Board and of the Commissioner and subject to the control of the Lieutenant-Governor".
			20. In section 53,— (*i*) in sub-clause (*d*) of clause *Fifthly*, for the words "to a Local Board or Union Committee under this Act", the following shall be substituted, namely :— "(*1*) to a Village Committee constituted under the Bengal Village Self-Government Act, 1918, for the purposes of that Act, or (*2*) to a Circle Board constituted under that Act— (*a*) for expenditure by itself, or (*b*) for distribution to Village Committees subordinate to it for the purposes of that Act"; (*ii*) in sub-clause (*b*) of clause *Sixthly*, for the word "Local", in the two places where it occurs, the word "Circle" shall be substituted; and (*iii*) in sub-clause (*c*) of the same clause, for the word "Local" the word "Circle" shall be substituted.
			21. In section 62, after the words "under this Act" the words and figures "and subject to the provisions of the Bengal Village Self-Government Act, 1918", shall be inserted.
			22. In section 73, the following words and figures shall be omitted, namely :— "but subject to the provisions of Chapter III of Part III thereof".
			23. In section 89, after the words "for the purposes of this Act" the words and figures "and subject to the provisions of the Bengal Village Self-Government Act, 1918", shall be inserted.
			24. In section 131, the words "or Local Board or Union Committee", in the two places where they occur, shall be omitted.
			25. In section 132, the following shall be omitted, namely :— (*i*) in the first paragraph, the words "or Local Board or Union Committee", in the four places where they occur,

(*Schedule III:—Enactments repealed or amended.*)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III—*concld.*	The Bengal Local Self-Government Act of 1885—*concld.*	(*ii*) in the second paragraph, the words "or Committee", and (*iii*) the whole of the last paragraph. 26. In section 138,— (*a*) in the first paragraph, the words "or Local Board or Union Committee", shall be omitted ; (*b*) in clauses (*a*), (*b*), (*e*) and (*r*) for the words "Boards and Committees" the words "District Boards" shall be substituted ; (*c*) clauses (*q*) and (*q1*) shall be omitted ; (*d*) in clause (*t*) for the words "Local Boards and Union Committees" the words "Circle Boards and Village Committees" shall be substituted ; and (*e*) the whole of the last paragraph shall be omitted. 27. In the first paragraph of section 139, the words "or Local Board empowered in this behalf by the Lieutenant-Governor" shall be omitted. 28. In section 140, before the word "Board" the word "District" shall be inserted. 29. In the first paragraph of section 141, for the words "any Board" the words "the District Board" shall be substituted. 30. In section 142, the words "Local Board or Union Committee" and the words "Union Committee, Local Board, or" shall be omitted. 31. In the first paragraph of section 143, the words "or Local Board" shall be omitted. 32. In section 145, for the words "Every local authority" the words "The District Board", and for the words "the District or Union Funds respectively" the words "the District Fund" shall be substituted. 33. In section 146,— (*i*) in the first paragraph, the words "Local Board or Union Committee" and, in the two places where they occur, the words "or Committee" shall be omitted, and (*ii*) for the word "their", in the three places where it occurs, the word "its" shall be substituted.
1886	I	The Bengal Village Chaukidari (Amendment) Act, 1886.	The whole shall be repealed.
1892	I	The Bengal Village Chaukidari (Amendment) Act, 1892.	The whole shall be repealed.

SCHEDULE IV.

OFFENCES TRIABLE BY A VILLAGE BENCH.

(*See* sections 74 and 75.)

PART A.

1. Offences under sections 20, 26 and 27 of the Cattle-trespass Act, 1871. I of 1871.

2. Offences under enactments, other than the Indian Penal Code, 1860, or any rules or by-laws made thereunder which are punishable with fine only up to a limit of twenty-five rupees. Act XLV of 1860.

3. Offences under section 34 of the Police Act, 1861. V of 1861.

4. Offences under the following sections of the Indian Penal Code, 1860, namely:—sections 160, 178, 179, 264, 265, 266, 269, 289, 290, 294, 323, 334, 341, 352, 358, 426, 447, 448 and 504; and when the value of the property in the opinion of the Village Bench is not over twenty rupees, sections 379 and 411. Act XLV of 1860.

PART B.

Offences under the following sections of the Indian Penal Code, 1860, namely:—sections 267, 283, 428, 430, 506 and 509; and when the value of the property in the opinion of the Magistrate is not over twenty rupees, sections 403 and 417.

(*Schedule III.—Enactments repealed or amended.*)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III—*contd.*	The Bengal Local Self-Government Act of 1885—*contd.*	8. In section 17, the following words shall be omitted, namely :— (*i*) "or Local Board", (*ii*) "in the case of a member of a District Board", (*iii*) "and in the case of a member of a Local Board to the District Board", and (*iv*) "or District Board, respectively". 9. In sections 18 and 18A, the words "Local Board or Union Committee" shall be omitted. 10. In sections 19 and 19A, the words "or Local Board", wherever they occur, shall be omitted. 11. In section 21, the words "and Local Boards" shall be omitted. 12. In section 26A, the words "or Local Board" shall be omitted and the word "its" shall be substituted for the word "their". 13. In section 27, the following words shall be omitted, namely :— (*i*) "or Local Board", in the two places where they occur, (*ii*) "in the case of a Chairman of a District Board", (*iii*) "and in the case of a Chairman of a Local Board, to the Commissioner", and (*iv*) "or Commissioner, as the case may be". 14. In section 28, the words "or Local Board", in the two places where they occur, shall be omitted. 15. (*1*) In section 29, the following shall be omitted, namely :— (*i*) in sub-section (*2*),— (*a*) the words "a Chairman of a Local Board, or", (*b*) the words "or Local Board", (*c*) the words "Chairman or", and (*d*) the words "as the case may be"; (*ii*) in sub-section (*3*),— (*a*) the words "or Local Board", and (*b*) the words and brackets "(in the case of a District Board) or the Commissioner (in the case of a Local Board)". 16. In section 29A, sub-section (*1*), the words "or Local Board" and the words "or Chairman or Vice-Chairman of a Local Board" shall be omitted. 17. In section 29B, for the words "District or Local Board, as the case may be" the words "District Board" shall be substituted. 18. In section 31, in the first paragraph the words "or Local Board", and the whole of the last paragraph of that section, shall be omitted.

(*Schedule III.—Enactments repealed or amended.*)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III—*contd.*	The Bengal Local Self-Government Act of 1885.—*contd.*	19. In the first paragraph of section 32, the following shall be omitted, namely :— "and any Local Board, with the sanction of the District Board and of the Commissioner and subject to the control of the Lieutenant-Governor". 20. In section 58,— (*i*) in sub-clause (*d*) of clause *Fifthly*, for the words "to a Local Board or Union Committee under this Act", the following shall be substituted, namely :— "(*1*) to a Village Committee constituted under the Bengal Village Self-Government Act, 1918, for the purposes of that Act, or (*2*) to a Circle Board constituted under that Act— (*a*) for expenditure by itself, or (*b*) for distribution to Village Committees subordinate to it for the purposes of that Act"; (*ii*) in sub-clause (*b*) of clause *Sixthly*, for the word "Local", in the two places where it occurs, the word "Circle" shall be substituted ; and (*iii*) in sub-clause (*c*) of the same clause, for the word "Local" the word "Circle" shall be substituted. 21. In section 62, after the words "under this Act" the words and figures "and subject to the provisions of the Bengal Village Self-Government Act, 1918", shall be inserted. 22. In section 73, the following words and figures shall be omitted, namely :— "but subject to the provisions of Chapter III of Part III thereof". 23. In section 89, after the words "for the purposes of this Act" the words and figures "and subject to the provisions of the Bengal Village Self-Government Act, 1918", shall be inserted. 24. In section 131, the words "or Local Board or Union Committee", in the two places where they occur, shall be omitted. 25. In section 132, the following shall be omitted, namely :— (*i*) in the first paragraph, the words "or Local Board or Union Committee", in the four places where they occur,

(Schedule III.—Enactments repealed or amended.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III—*concld.*	The Bengal Local Self-Government Act of 1885—*concld.*	(*ii*) in the second paragraph, the words "or Committee", and (*iii*) the whole of the last paragraph. 26. In section 138,— (*a*) in the first paragraph, the words "or Local Board or Union Committee", shall be omitted ; (*b*) in clauses (*a*), (*b*), (*e*) and (*r*) for the words "Boards and Committees" the words "District Boards" shall be substituted ; (*c*) clauses (*q*) and (*q1*) shall be omitted ; (*d*) in clause (*t*) for the words "Local Boards and Union Committees" the words "Circle Boards and Village Committees" shall be substituted ; and (*e*) the whole of the last paragraph shall be omitted. 27. In the first paragraph of section 139, the words "or Local Board empowered in this behalf by the Lieutenant-Governor" shall be omitted. 28. In section 140, before the word "Board" the word "District" shall be inserted. 29. In the first paragraph of section 141, for the words "any Board" the words "the District Board" shall be substituted. 30. In section 142, the words "Local Board or Union Committee" and the words "Union Committee, Local Board, or" shall be omitted. 31. In the first paragraph of section 143, the words "or Local Board" shall be omitted. 32. In section 145, for the words "Every local authority" the words "The District Board", and for the words "the District or Union Funds respectively" the words "the District Fund" shall be substituted. 33. In section 146,— (*i*) in the first paragraph, the words "Local Board or Union Committee" and, in the two places where they occur, the words "or Committee" shall be omitted, and (*ii*) for the word "their", in the three places where it occurs, the word "its" shall be substituted.
1886	I	The Bengal Village Chaukidari (Amendment) Act, 1886.	The whole shall be repealed.
1892	I	The Bengal Village Chaukidari (Amendment) Act, 1892.	The whole shall be repealed.

(*Schedule IV.—Offences triable by a Village Bench.*)

SCHEDULE IV.

OFFENCES TRIABLE BY A VILLAGE BENCH.

(*See sections 74 and 75.*)

PART A.

1. Offences under sections 20, 26 and 27 of the Cattle-trespass Act, 1871. I of 1871.

2. Offences under enactments, other than the Indian Penal Code, 1860, or any rules or by-laws made thereunder which are punishable with fine only up to a limit of twenty-five rupees. Act XLV of 1860.

3. Offences under section 34 of the Police Act, 1861. V of 1861.

4. Offences under the following sections of the Indian Penal Code, 1860, namely:—sections 160, 178, 179, 264, 265, 266, 269, 289, 290, 294, 323, 334, 341, 352, 358, 426, 447, 448 and 504; and when the value of the property in the opinion of the Village Bench is not over twenty rupees, sections 379 and 411. Act XLV of 1860

PART B.

Offences under the following sections of the Indian Penal Code, 1860, namely:—sections 267, 283, 428, 430, 506 and 509; and when the value of the property in the opinion of the Magistrate is not over twenty rupees, sections 403 and 417.

according to rules to be made under *clause 111*. *Sub-clauses (2) and (3)* embody section 32 of the Village Chaukidari Act, 1870.

Clause 44.—To enable arrears of the village rate to be realized from persons who have not sufficient moveable property within the village, power has been taken on the lines of section 127 of the Bengal Municipal Act, 1884, to sell a defaulter's property situated outside the village.

Clause 45 reproduces the provisions of section 34 of the Village Chaukidari Act, 1870.

Clause 46.—This clause should be read with *item 20 of Schedule III*.

Clause 47.—All receipts of the Village Committee and of the Village Bench and Village Court will be credited to the Village Fund.

The expenses of the Village Bench or Village Court and of the Village Committee as well as the compensation to be paid to owners and occupiers of huts or privies removed under *clause 29* will be paid out of the Fund.

The salary of the Secretary and the salaries and cost of equipment of Dafadars and Chaukidars are declared to be the first charge on the Fund.

Provision has also been made to prevent the diversion to other purposes of any money made over by the District Board for any specific purpose.

Clause 48.—This clause enables the Local Government to realize under the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913), money advanced by them to defray the charges of watch and ward if the Village Committee makes default in payment.

Clause 49 declares the duties of Circle Boards, which will include supervision, and also the maintenance of communications in which several villages have a common interest and the performance of any duty entrusted to them by the District Board.

Clause 50 provides the necessary establishment, and a Circle Fund is established by *clause 51*.

Clause 52 provides by means of a schedule for the delegation of certain of the powers and duties of the District Magistrate under this Act.

Clauses 53, 54 and 55 provide for the decision of disputes on the same lines as sections 133, 135, 136 and 137 of the Bengal Local Self-Government Act of 1885.

Clauses 56, 57 and 58 follow sections 120, 121 and 122 of the Bengal Local Self-Government Act of 1885.

Clauses 60, 61 and 62 correspond to sections 125, 131 and 132 of the Bengal Local Self-Government Act of 1885. The power of control however is to be exercised in the case of a Village Committee by the District Magistrate and in the case of a Circle Board by the Commissioner (see *clause 59*).

Clauses 63, 64 and 65 apply the emergency provisions contained in sections 124, 126 and 127, respectively, of the Bengal Local Self-Government Act of 1885.

Clauses 66 and 67 apply the provisions of sections 139 and 140 of the Bengal Local Self-Government Act of 1885 to by-laws made by Circle Boards.

Clause 68 follows section 144 of the Bengal Local Self-Government Act of 1885, but makes an exception in favour of a member of a Village Committee acting with the sanction of the Circle Board, owing to the difficulty in outlying villages of obtaining suitable contractors to carry out local works.

Clauses 69 and 70 correspond to sections 145 and 142, respectively, of the Bengal Local Self-Government Act of 1885.

Clause 71 is based on section 155 of the Calcutta Improvement Act, 1911, and section 27 of the Bengal Medical Act, 1914. This clause is intended to prevent unnecessary harassment of local bodies or members thereof when they act in good faith and with due care and attention.

Clause 72 corresponds to section 146 of the Bengal Local Self-Government Act of 1885.

Clause 73 abolishes the Panchayats and the Union Committees and Local Boards in any district in which Village Committees and Circle Boards are constituted. This necessitates the modification of the existing Village Chaukidari Act and the Local Self-Government Act in those areas. The modifications are set out *in extenso* in Schedule III to the Bill.

Power has also been taken under this clause to revive these Acts in any area from which the proposed Act is withdrawn at any time.

Sub-clause (3) empowers the Local Government to dispose of properties vested in a Union Committee when it is abolished.

Clause 74 provides for the constitution of Village Benches in selected areas to try petty criminal cases.

Clause 75 provides that when cases of the kinds specified in *Part A of Schedule IV* occur in the village they may be tried by the Village Bench to which more serious cases of the kinds specified in *Part B* may also be transferred by the District or Subdivisional Magistrate. It will, however, be open to a complainant to institute the case in the ordinary Courts, if he is so disposed, but a Magistrate before whom a complaint triable by a Village Bench is brought may refer the complainant to the Village Bench [*Cf.* the Madras Village Courts Act Amendment Bill, 1917, cl. 17, proposed section 76 (7)]. The District and Subdivisional Magistrates will also have the power to transfer cases from the file of a Village Bench.

Clause 76 provides for the institution of cases before a Village Bench, and the recording of complaints made orally in the village.

Clause 77 provides for the summary dismissal of false and frivolous complaints, and for the refusal by the Bench to take cognizance of certain cases.

Clause 78 provides for the dismissal of complaints for default.

Clause 79 empowers the Bench to secure the attendance of the accused, who will not be arrested on warrant except by order of a Magistrate. If an accused, who has absconded, is forwarded in custody by the Magistrate, he will be detained in custody in the village till the Bench can be assembled to try the case. Cases of detention will be few as the Magistrate will ordinarily grant bail in petty cases.

Clause 80 provides that there shall be no appeal from an order of the Village Bench, but that the Subdivisional Magistrate or the District Magistrate where there is no Subdivisional Magistrate, shall have power to order retrial of the case either by an ordinary criminal court or by a Village Bench if there has been a serious failure of justice.

Clause 81.—The Village Bench may sentence an accused to a fine up to Rs. 25, and may order a complainant who has brought a frivolous or vexatious complaint to pay compensation to a like amount.

As in the Code of Criminal Procedure, provision is made for imprisonment in default of payment of fine or compensation, but safeguards have been imposed to relieve the offender of further liability when justice has been sufficiently vindicated, and to exempt women from imprisonment.

Clause 82 empowers the Local Government to constitute Village Courts in selected local areas for the trial of all or any of the classes of civil suits specified in *clause 83*.

Clause 83 is subject to the provision of *clause 84* and provides, firstly, that certain classes of petty suits for money or for moveable property similar to those triable by Village Courts in the United Provinces under the United Provinces Act III of 1892, may be tried by Village Courts in Bengal, the Courts of the Munsif having concurrent jurisdiction. The limit of jurisdiction of Village Courts in Bengal in regard to such suits has been raised to Rs. 25, which is slightly more than the limit imposed in the United Provinces and Madras.

It will be open to either party to move the Munsif for the transfer to the ordinary courts of any suit specified in *sub-clauses (a), (b) and (c)*.

Provision has also been made by *sub-clause (d)* that suits of the same classes but of a higher money value may also be instituted in the Village Court, if the plaintiff so desires, but that a defendant in such cases may claim a transfer to the ordinary civil court.

Clause 84 follows section 9 of the United Provinces Act III of 1892, but also excludes from the jurisdiction of the Village Court all kinds of suits in regard to rent, and suits for enforcement of a mortgage debt against the property mortgaged and also suits for the redemption of a mortgage.

Clause 85 defines the limits of the local jurisdiction of the Village Court in the interest of defendants.

Clause 86 provides for the institution of suits before Village Courts by a simple form of petition either oral or written.

Clause 87 provides for the dismissal of suits that are barred by limitation, and for the procedure to be adopted by Village Courts in refusing to entertain suits, which are outside their jurisdiction.

Clause 88 provides for the dismissal of suits for default, with power to the Village Court to restore a suit in cases of hardship, on the same lines as the power conferred by section 32 of Madras Act I of 1889.

Clause 89 enables the Village Court to call on the defendant to appear and answer.

Clause 90 empowers the Village Court to decide the suit *ex parte* if the defendant fails to appear, and if it is proved that due notice was given to him of the date fixed. Provisions similar to those contained in section 33 of Madras Act I of 1889 have been inserted enabling the defendant to apply for restoration of the suit on showing good cause for his non-appearance.

Clause 91 follows section 34 of Madras Act I of 1889.

Clause 92 gives the Village Court power to add parties to the suit at any stage of the trial, subject to the provision that a party so added must receive due notice and may claim that the hearing of the suit be commenced *de novo*.

Clause 93 prescribes that the Village Court is not to proceed with the trial of any suit which is barred under the principles of *res judicata* or *lis pendens*. It follows section 6 of Punjab Act VI of 1912.

Clause 94, which is based on section 45 of Madras Act I of 1889, prescribes that the decision of the Court shall be such as may seem just, equitable and according to good conscience.

Clause 95 corresponds with section 17 of Punjab Act VI of 1912 and empowers the Court to allow the realization of money or any moveable property by instalments.

Clause 96 declares that the decision of a Village Court shall not be subject to appeal but enables either party to the suit to apply to the District Judge for an order for retrial if the District Judge is satisfied that there has been a serious failure of justice.

Clause 97 enables a suit to proceed when the plaintiff or defendant dies during the pendency of the suit.

Clause 98, which follows section 22 of Madras Act I of 1889, requires that if a party applies to have a suit withdrawn from a Village Court or to have it retried, he shall at the time of making the application pay into the Court the full amount of fees payable under the Court-fees Act, 1870. In case the Court orders retrial of the suit by the same or another Village Court, it may order a refund of the fees.

Clause 99.—This clause prescribes a simple scale for calculating the costs of a suit tried by a Village Court. In practice the expenses of a Village Court will not be large, but a small fee by way of costs must be realized from the parties to defray working expenses. Costs realized by the Village Court will not therefore be payable to the parties, but they will be credited to the Village Fund out of which the expenses of the Court will be met. The absence of court-fees will reduce the expenses of parties to a negligible amount in almost every case (*cf. clause 110*).

Clause 100 provides for the disallowance of costs if any suit is instituted in the Court of a Munsif, which in the opinion of the Munsif ought to have been instituted in the Village Court. It is based on clause 8 of the Madras Village Courts Act Amendment Bill, 1917.

Clause 101 empowers the Village Court to declare the value of a claim in a suit where the claim is not for a specified sum of money.

Clause 102 provides for the execution of a decree of a Village Court when that Court cannot grant satisfaction, and is based on sections 22 and 23 of Punjab Act VI of 1912. An application for execution of a Village Court decree by a Munsif will not be entertained unless a certificate is attached to the effect that application for execution has been made in due time to the Village Court, but that it has been unable to effect satisfaction. The costs of execution will be paid to the decree-holder in cases in which he will be put to expense in obtaining execution and the costs in the suit in such cases will be credited to Government instead of to the Village Fund. This will tend to discourage slackness by Village Courts in executing their own orders.

Clause 103.—The Court-fees Act, 1870, the Code of Criminal Procedure, 1898, excepting Chapter XXXIII, and the Code of Civil Procedure, 1908, will not apply to proceedings before a Village Bench or Village Court. Minor details of procedure will be provided for by simple rules made under *clause 111*. The execution of decrees in respect of immoveable property will also be provided for by rules under that clause.

Clause 104 provides that the President of the Village Committee if he is a member of the Village Bench or Court shall preside, and that the decision shall follow the opinion of the majority.

Clause 105.—*Sub-clause (1)* is based on section 16 of Punjab Act VI of 1912, but exempts from personal appearance persons who are already exempted under section 133 (*1*) of the Code of Civil Procedure, 1908.

Sub-clause (2) authorizes a Bench or Court to refuse to summon or to

enforce a summons issued against a witness whose attendance cannot be procured without unreasonable delay or expense, and *sub-clause* (3) provides that unless the expenses of a person living at a distance exceeding 15 miles from the Bench or Court house be paid in advance such person shall not be required to attend. These two provisions are intended to prevent the unnecessary summoning of persons living at a distance. The cases will be petty local cases which can be disposed of ordinarily on the evidence of the villagers.

Sub-clauses (4) *and* (5) provide penalties for disobedience to an order of the Village Bench or Village Court.

Clause 106 deals with the attendance of parties before a Village Bench or Village Court. Parties are ordinarily to plead their own causes, but in civil suits, and, with the permission of the Bench, in criminal cases they may appear by agent. The definition of "agent" is based on section 23 of the United Provinces Act III of 1892, but it has been made more restrictive in order to exclude the village tout.

Sub-clause (3) bars the appearance of legal practitioners before Village Benches and Village Courts.

Clause 107 deals with the representation of women and minors.

Clause 108 provides that all fines imposed and compensation awarded under the proposed Act shall be realized in the same manner as an arrear of rate imposed under the Act.

Clause 109 provides for the maintenance of registers of cases and suits by the Village Bench and Village Court and for such other records as they may be required to maintain by rules made by the Local Government.

Clause 110.—Owing to the levy of costs in a consolidated form under *clause 99* it is unnecessary to charge separate fees on documents or for the service of processes. The Local Government will, however, prescribe fees for the supply of copies of documents by a Village Bench or Village Court.

Clause 111.—The rule-making clause is based on section 138 of the Bengal Local Self-Government Act of 1885 and brings together the rule-making powers referred to in the various clauses of the Bill. The rules to be made under this clause are to be made subject to the condition of previous publication.

Clause 112 is intended to prevent a member of a Village Bench or Court from trying any case or suit in which he is personally interested.

Clause 113, which is based on section 61 of Madras Act I of 1889, is intended to prevent members of Village Committees, etc., from bidding for or buying property sold under the provisions of the proposed Act.

Clauses 114 and 115 correspond to section 141 of the Bengal Local Self-Government Act of 1885.

Schedule III repeals in areas in which the proposed Act is in force those provisions of the Chaukidari Acts which have been superseded by the Act or which are reproduced in it.

It also provides in detail for the abolition of Local Boards and Union Committees in areas in which the Act is in force, and transfers the ordinary duties of the Local Board to a Circle Board.

Under *item 4* of the Schedule the Circle Board takes the place of the Local Board as the electoral unit for membership of the District Board.

Provision is made under *item 20* to enable the District Board to grant subventions to Circle Boards and Village Committees out of the District Fund.

S. P. SINHA,

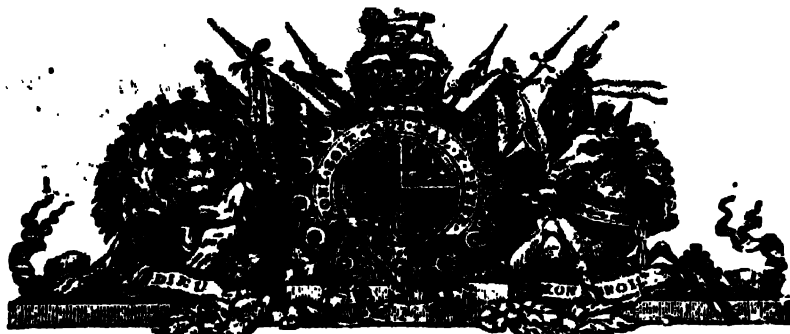
Member in charge.

A. M. HUTCHISON,

Secretary to the Govt. of Bengal and

Secretary to the Bengal Legislative Council (Offg.).

REGISTERED No. C267. No. 15 of 1918.



The Calcutta Gazette

WEDNESDAY, APRIL 10, 1918.

SUPPLEMENT.

OFFICIAL PAPERS.

[*Non-Subscribers to the* GAZETTE *may receive the* SUPPLEMENT *separately on payment of five rupees per annum if delivered in Calcutta, or seven rupees and eight annas if sent by post.*]

CONTENTS.

IRRIGATION DEPARTMENT, BENGAL.

Approximate return of traffic on the Circular and Eastern Canals for the week ending Saturday, the 30th March 1918, as compared with the corresponding week of the previous year.

Nature of Cargo.	Week ending Saturday, the 30th March 1918.			Week ending Saturday, the 31st March 1917.		
	Number of boats.	Weight of cargo.	Tollage.	Number of boats.	Weight of cargo.	Tollage.
		Mds.	Rs.		Mds.	Rs.
Rice and paddy	440	169,100	2,736	195	45,355	626
Jute	74	32,640*	862	25	8,050†	101
Firewood	99	46,075	716	23	21,532	342
Other articles	1,131	333,191	3,738	937	317,585	3,035
Total ...	1,744	581,006	7,552	1,180	392,522	4,104
Empty boats and rafts ...	469	...	1,339	408	...	1,412
GRAND TOTAL ...	2,213	581,006	8,891	1,588	392,522	5,516

	Mds.
* Weight by canal measurement	36,687½
† Ditto ditto	8,100

CALCUTTA,
The 6th April 1918.

F. A. A. COWLEY,
Secy. to the Govt. of Bengal.

List of prices of articles of food in Calcutta for the week ending Saturday, the 6th April 1918.

Names of Articles.	Wholesale price per maund.						Retail price per seer.					
	From—			To—			From—			To—		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Rice—												
Balam, coarse ...	4	6	0	4	8	0	0	1	7¼	0	2	0
„ medium ...	4	10	0	4	13	0	0	2	3	0	2	6
Patnai, coarse ...	3	8	0	3	12	0	0	1	6	0	2	0
„ medium ...	3	14	0	4	8	0	0	1	9	0	2	3
Nagra, coarse ...	3	8	0	3	12	0	0	1	7¼	0	2	0
„ medium ...	3	14	0	4	8	0	0	1	9	0	2	6
Dudhkalma ...	......			......			0	1	9	0	2	6
Rangoon Boiled ...	......			......			0	1	6	......		
Kajla	2	8	0	2	15	0	0	1	6	......		
Wheat, Dudhia	4	14	0	5	8	0	......			......		
„ Gangajali	......			......			......			......		
„ Jamali	4	10	0	5	0	0	......			......		
Gram, Patnai (whole) ...	4	4	0	4	6	0	0	1	9	0	2	0
„ dal	4	12	0	5	0	0	0	2	0	0	2	6
Mung „ (Hari)	6	0	0	6	12	0	0	2	9	0	3	6
„ „ (Krishna) ...	5	10	0	5	15	0	0	2	6	0	3	6
Arhar „	3	12	0	5	12	0	0	2	0	0	2	6
Masur „ (split)	3	10	0	4	12	0	0	2	0	0	3	0
„ „ (khanri) ...	5	8	0	6	12	0	0	2	3	0	3	6
Kalai „	5	8	0	6	4	0	0	2	3	0	2	9
Salt	3	12	0	3	12	6	0	1	9	0	2	0
Sugar (brown Java) ...	10	4	0	......			0	4	0	0	6	0
Gur, Bheli	5	0	0	6	12	0	0	3	0	......		
„ Bhursut	7	4	0	7	8	0	0	4	0	......		
„ Date	......			......			......			......		
Milk	10	0	0	......			0	3	0	0	4	0
Mustard oil	16	4	0	19	8	0	0	7	0	0	8	0
Flour (country)	6	12	0	7	10	0	0	3	0	0	3	6
Atta No. 3	5	10	0	......			}					
„ „ 2½	6	0	0	......			0	2	6	0	3	6
„ „ B	7	14	0	......			}					
Suji	7	10	0	8	2	0	0	3	6	0	3	9
Ghee (Bhadwa, Matki, etc.). ...	71	8	0	......			2	0	0	......		
„ (Patiram, Khurja, Ruto, Etwa, better kind, etc.)	62	8	0	......			1	14	0	......		
„ (Lalli, Etwa, Sagar, etc.)...	59	0	0	......			1	12	0	......		
Maize	2	12	0	3	0	0	......					
Potato	1	8	0	2	8	0	0	1	0	0	1	6
Patal	17	0	0	21	0	0	0	6	0	0	10	0
Brinjal	2	4	0	4	8	0	0	1	6	0	2	6
Onion	3	0	0	3	8	0	0	1	0	0	2	0
Fish, Rahu	20	0	0	22	0	0	0	8	0	0	10	0
Mutton (2nd class)... ...	......			......			0	8	0	......		
Beef (2nd and 3rd classes) ...	......			......			0	3	0	0	5	0

N.B.—This is an abstract of price of the following markets :—

Wholesale.—Chetla Hât, Ramkrishnapur Hât, Sealdah Fish and Milk Markets, Posta Bazar.

Retail.—Sir Stuart Hogg Market, Orphanganj Market, Sobha Bazar, Nutun Bazar, Raja Babu's Bazar, Bow Bazar, Keroya Bazar, Taltolla Bazar, Mallik Bazar, and Jagu Babu's Bazar.

S. G. RAY,

for *President, Advisory Food Committee.*

CALCUTTA, *the 9th April 1918.*

DISTRICT REPORTS ON WEATHER AND CROPS

For the week ending on the 4th April 1918.

Summary.—During the week light rain fell over the greater part of the province facilitating agricultural operations generally. More rain is, however, wanted. Harvesting of spring crops is nearing completion. Sowing of jute and autumn paddy continues. The average price of common rice for the province has remained stationary as compared with that of the previous week.

Serial No.	Districts and subdivisions.	Rainfall.	Price of common rice, in seers, per rupee.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
	2	3	4	5	6
		Inches.			
	24-PARGANAS	0·02	$10\frac{5}{8}$	$10\frac{5}{8}$	Weather seasonable. Lands are being prepared for jute and *aus* paddy in Basirhat subdivision. Rain is badly wanted for agricultural operations. Cattle-disease is reported from thana Barasat. Fodder and water are sufficient.
	Diamond Harbour.	0·56	$12\frac{1}{4}$	(*n*)	
	Barrackpore	Nil	10	$10\frac{1}{2}$	
	Barasat ...	Nil	$13\frac{5}{16}$	$13\frac{5}{16}$	
	Basirhat ...	Nil	13	13	
2	NADIA ...	Nil	$11\frac{3}{4}$	$11\frac{3}{4}$	Weather seasonable. Prospects of standing crops are fair. Harvesting of *rabi* crops is nearly finished. Sowing of *aus* paddy has commenced in places. Rain is urgently necessary. Fodder and water are sufficient. No cattle-disease is reported.
	Kushtia ...	Nil	$11\frac{1}{2}$	12	
	Meherpur ...	Nil	(*n*)	10	
	Chuadanga...	Nil	11	11	
	Ranaghat ...	Nil	$11\frac{1}{4}$	$11\frac{1}{4}$	
	MURSHIDABAD	0·04	$14\frac{1}{2}$	$14\frac{1}{2}$	Harvesting of *rabi* crops continues. More rain is wanted for agricultural operations. Cattle-disease is reported from Lalbagh, Jagipur and Kandi.
	Lalbagh ...	0·13	$13\frac{1}{2}$	$13\frac{1}{2}$	
	Jangipur ...	0·09	14	14	
	Kandi ...	0·12	16	15	
	JESSORE ..	(*n*)	12	12	Weather seasonable. Sowing *aman* paddy has commenced in Narail subdivision. Fodder and water are sufficient. No cattle-disease.
	Jhenidah ...	(*n*)	12	12	
	Magura ...	(*n*)	14	14	
	Narail ...	(*n*)	14	14	
	Bangaon ...	(*n*)	$13\frac{1}{3}$	$13\frac{1}{3}$	
	KHULNA ...	Nil	15	15	Weather seasonable. Fodder and water are sufficient.
	Satkhira ...	Nil	(*n*)	14	
	Bagerhat ...	Nil	$13\frac{1}{2}$	13	

(*n*) Not reported.

Districts and subdivisions.	Rainfall.	Price of common rice, in seers, per rupee. This week.	Price of common rice, in seers, per rupee. Previous week.	Character of the weather, condition of crops, etc.
2	3	4	5	6
	Inches.			
BURDWAN ...	Nil	13	13	Ploughing of fields for jute and other *bhadoi* crops and planting of sugarcane have begun. Pressing of sugarcane is nearly finished. Wheat is doing well. Cattle-disease is reported from Ausgram, Sahebganj, Satgachia, Galsi and Salanpur.
Asansol ...	0·89	11¾	11¾	
Katwa ...	0·23	16	13 5/16	
Kalna ...	0·07	12	11¾	
BIRBHUM ...	0·15	14	14	Weather seasonable. Pressing of sugarcane continues. Fodder and water sufficient. Cattle-disease is reported from thanas Suri and Rajnagar.
Rampurhat	0·35	15	13	
BANKURA ...	0·06	13	13	Weather seasonable. Fodder and water are sufficient. Cattle-disease is reported from Rambandh thana.
Vishnupur ...	0·11	13½	13½	
MIDNAPORE	0·95	14 1/16	14 1/16	Weather seasonable. Planting of sugarcane continues. Prospects of late cotton and tobacco are fair. Fodder and water sufficient. Outturn of linseed, rape and mustared is fair. Conditon of wheat and *boro* paddy is good.
Ghatal ...	1·87	13¼	13 5/16	
Tamluk ...	0·57	11 11/16	12 3/16	
Contai ...	0·03	15	14	
HOOGHLY ...	Nil	11½	11½	Weather seasonable. Fodder and water are available. Cattle-disease is reported from thanas Polba and Pandua.
Serampore ...	Nil	9½	9½	
Arambagh ...	0·67	13⅞	13⅞	
HOWRAH ...	0·01	10	9½	Weather seasonable. No cattle-disease. Stocks of food-grains, fodder and water are sufficient.
Uluberia ...	1·80	10¼	10	
RAJSHAHI (RAMPUR-BOALIA).	0·39	13	13	Weather seasonable. Prospects of standing crops are good. Sowing of jute and *aus* paddy is going on in Naogaon subdivision. Stocks of food-grains and fodder are sufficient.
Naogaon ...	0·25	14	14	
Nator ...	0·61	12	12	
DINAJPUR ...	2·06	12 19/32	12 19/32	Weather seasonable. Harvesting of sugarcane is nearing completion. Lands are now being ploughed for jute and other *bhadoi* crops. Water, fodder and stocks of food-grains are sufficient.
Thakurgaon	0·95	15	14	
Balurghat ...	1·38	13 5/16	13 5/16	
JALPAIGURI	0·61	12	13	Recent rain has facilitated preparation of fields for jute and other *bhadoi* crops. More rain is wanted. Standing crops are in fair condition.
Alipur ...	2·94	10	9	

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 84-86.)

when the value of the suit does not exceed twenty-five rupees; and

(*d*) suits of the kinds specified in clauses (*a*), (*b*) and (*c*), when the value of the suit exceeds twenty-five rupees but does not exceed two hundred rupees:

Provided that the Court of the Munsif, within the local limits of whose jurisdiction the village is situated,—

(*i*) on the application of either party to the suit, may withdraw any suit of the classes specified in clauses (*a*), (*b*) and (*c*), and

(*ii*) on the application of a defendant, shall withdraw any suit of the classes specified in clause (*d*),

from a Village Court for trial by itself.

Certain suits not to be tried by Village Court.

84. No suit shall lie in any Village Court— [U. P. Act III of 1892, s. 9, prov.]

(*1*) on a balance of partnership account,

(*2*) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will,

(*3*) by or against Government or public officers in their official capacity,

(*4*) by or against persons of unsound mind,

(*5*) for the assessment, enhancement, reduction, abatement, apportionment or recovery of rent of immoveable property, or

(*6*) by a mortgagee of immoveable property for the enforcement of the mortgage by foreclosure or sale of the property or otherwise, or by a mortgagor of immoveable property for the redemption of the mortgage.

Local limits of jurisdiction of Village Court.

85. (*1*) No suit other than a suit relating to immoveable property shall lie in any Village Court, unless all or any of the defendants reside within the village at the time of the institution of the suit.

(*2*) No suit relating to immoveable property shall lie in any Village Court, unless such property or any part thereof is situated within the village.

How suit may be instituted.

86. (*1*) A suit before a Village Court may be instituted before such Court, in such manner as may be provided by rule under section 111, by petition made orally or in writing. If the petition is made orally, the Court shall record the name of the petitioner and the name of the person against whom the petition is brought, and the nature of the claim put forward against such person and such other particulars, if any, as may be prescribed by rules made under section 111.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 87-92.)

(2) The plaintiff on instituting his suit shall state the value of the claim.

Dismissal of suit.

87. (1) If at any time the Village Court is of opinion that the suit is barred by limitation, the Court shall dismiss the suit by order in writing.

(2) If at any time it appears to the Court that it has no jurisdiction to entertain the suit, the Court shall refer the petitioner to the proper Court.

Dismissal of suit for default.

88. If in any suit before a Village Court the petitioner fails to appear on the day fixed, or, if in the opinion of the Court, he shows negligence in prosecuting his suit, the Court may dismiss the suit for default:

Provided that a Village Court may restore a suit dismissed for default, if within thirty days from the date of such dismissal the plaintiff satisfies the Court that he was prevented by sufficient cause from appearing. [Cf. Mad. Act I of 1889, s. 82.]

Summons to defendant to appear and answer.

89. If on receiving the petition the Village Court is satisfied that the trial of the suit may be proceeded with, it shall, by summons or otherwise, require the defendant to appear and answer the suit.

Ex parte decision.

90. If the defendant fails to appear and the Village Court is satisfied that he has received notice of the date fixed for the hearing, the Court may decide the suit *ex parte*:

Provided that any defendant against whom a suit has been decided *ex parte* may, within thirty days from the date of executing any process for enforcement of the decision, apply to the Village Court to set aside the order; and the Court, if satisfied that the defendant did not receive due notice of the date of hearing, or was prevented from appearing by any sufficient cause, shall set aside the decision and shall appoint a day for proceeding with the suit. [Cf. Mad. Act I of 1889, s. 83.]

No order to be set aside without notice to opposite party.

91. No decision or order of a Village Court shall be set aside on application under section 88 or section 90 unless notice in writing has been served by the Village Court on the opposite party. [Cf. Mad. Act I of 1889, s. 84.]

Power of Village Court to determine necessary parties.

92. (1) The Village Court shall add as parties to a suit any persons whose presence as parties it considers necessary for a proper decision thereof, and shall enter the names of such parties in the register of suits, and the suit shall be tried as between the parties whose names are entered in the said register:

Provided that when any party is added, he shall be given an opportunity of appearing on notice given to him in accordance with rule made under section 111 before the trial of the suit is proceeded with.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 93-99.)

(2) In all cases where a new party appears under the proviso to sub-section (1) during the trial of a suit, he may require that the trial shall begin *de novo*.

Certain suits not to be tried by Village Court.

93. No Village Court shall proceed with the trial of any suit in which the matter directly and substantially in dispute is pending for decision in the same Court or in any other Court in a previously instituted suit between the same parties, or between parties under whom they or any of them claim, or has been heard and finally decided in a suit between the same parties, or between parties under whom they or any of them claim. [Cf. Pun. Act VI of 1912, s. 6.]

Decision of Village Court.

94. When the parties or their agents have been heard and the evidence on both sides considered, the Village Court shall, by written order, make such decision as may seem just, equitable and according to good conscience, and the decision shall also have the effect of a decree. [Cf. Mad. Act I of 1889, s. 45.]

Instalments.

95. A Village Court in ordering the payment of a sum of money or the delivery of any moveable property may direct that the money be paid, or the moveable property be delivered, by instalments. [Cf. Pun. Act VI of 1912, s. 17.]

Decision of Village Court to be final.

96. The decision of a Village Court in every suit shall be final as between the parties to the suit:

Provided that the District Judge may, on the application of either party, cancel the order of the Village Court and direct a retrial of the suit by the same or any other Village Court or by any other Court subordinate to him if he is satisfied that there has been a serious failure of justice.

Death of parties.

97. If the plaintiff or defendant in any suit dies before the suit has been decided, the suit may be proceeded with at the instance of, or against, the heirs of the deceased plaintiff or defendant, as the case may be.

Application for withdrawal of suits from Village Courts or revision of the decision of such Courts.

98. Any party applying—

(1) to have a suit withdrawn from a Village Court under the proviso to section 83 for trial in the Court of the Munsif, within the local limits of whose jurisdiction the village is situated, or [Cf. Mad. Act I of 1889, s. 22.]

(2) under the proviso to section 96 for the retrial of a suit decided by a Village Court,

shall, before such application for withdrawal or retrial is entertained, pay to the Court to which such application is made, the amount of fees payable by the plaintiff under the Court-fees Act, 1870, in respect of such suit: VII of 1870.

Provided that the Court may order the refund of the amount of fees paid under section 7 of the Court-fees Act, 1870, by any party in accordance with clause (2), if the Court grants the application for retrial of a suit by the same or any other Village Court.

Costs.

99. (1) In all suits tried by the Village Court the costs shall be one anna in the rupee on the amount of the claim.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Sections 100-103.)

(2) If the claim is decreed in full, the costs shall be realized from the judgment-debtor together with the amount decreed.

(3) If the amount is decreed in part, the costs shall be realized *pro rata* from the decree-holder and the judgment-debtor.

(4) If the suit is dismissed, the costs shall be realized from the plaintiff.

(5) All costs realized by the Village Court shall be credited to the Village Fund and shall not be paid to either party.

Disallowance of costs in certain cases.

100. If any suit is instituted in the Court of a Munsif which, in the opinion of the Munsif who tries the same (whose opinion shall be final), ought to have been instituted in the Village Court, no costs shall be allowed to a successful plaintiff, and a successful defendant shall be allowed his costs as between pleader and client.

Village Court to declare value of claim in certain cases

101. When the claim in any suit before a Village Court is not for a specified sum, the Village Court shall declare the value of the claim both for determining the question of jurisdiction and also for the levy of costs.

Execution of decree.

102. (1) If the Village Court granting a decree is unable to effect satisfaction thereof, it shall grant the decree-holder a certificate to that effect. [Cf. Pun. Act VI of 1912, s. 22.]

(2) Any decree-holder wishing to excute a decree of a Village Court may apply to the Court of the Munsif within the local limits of whose jurisdiction the village is situated and shall present with his application a certified copy of the order of the Village Court; but no application for execution shall be entertained by the Munsif— [Cf. Pun. Act VI of 1912, s. 23.]

(a) unless the Village Court has certified that application for execution of the decree has been made to it in due time, but that it is unable to effect satisfaction of the decree, and

(b) unless the application is made after the expiry of three months from the date of the decree.

(3) In executing a decree of a Village Court a Munsif shall have the same powers and follow the same procedure as if he were executing a decree passed by himself, and the costs of execution shall be paid to the decree-holder. The costs in the suit shall be credited to Government.

General provisions relating to Village Benches and Village Courts.

Procedure in Village Benches and Village Courts.

103. (1) The provisions of—

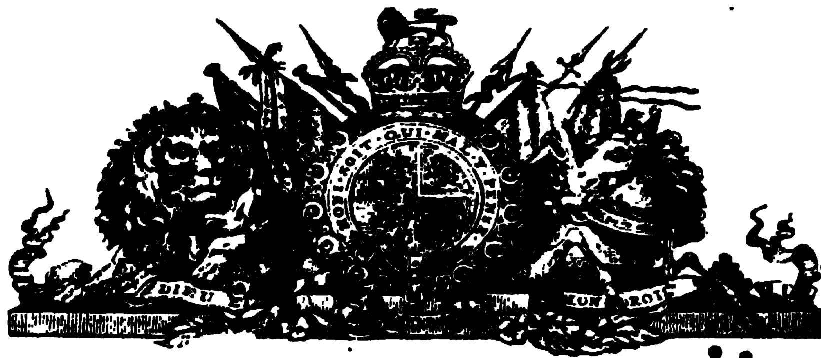
(a) the Court-fees Act, 1870, VII of 1870.

(b) the Code of Criminal Procedure, 1898, excepting Chapter XXXIII, and Act V of 1898.

(c) the Code of Civil Procedure, 1908, Act V of 1908.

shall not apply to any trial, suit or proceeding before a Village Bench or a Village Court.

(2) The procedure to be followed by a Village Bench or a Village Court in any trial, suit or proceeding and in the enforcement of its decisions and orders, and in the method of forming a quorum shall, subject to the provisions of this Act, be in accordance with rules prescribed in this behalf under section 111.



The Calcutta Gazette

WEDNESDAY, JULY 10, 1918.

PART IV.

Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.

GOVERNMENT OF BENGAL.

BENGAL LEGISLATIVE COUNCIL.

NOTIFICATION.

No. 932L., dated the 8th July, 1918.—The following Bill was introduced in the Bengal Legislative Council on the 3rd July, 1918, and is hereby published for information, together with the Statement of Objects and Reasons annexed thereto:—

A

BILL

further to amend the Bengal Tenancy Act, 1885.

WHEREAS it is expedient further to amend the Bengal Tenancy Act, 1885, in the manner hereinafter appearing; VIII of 1885.

And whereas the previous sanction of the Governor General has been obtained under section 79, subsection (*2*), of the Government of India Act, 1915, to the passing of this Act: 5 & 6 Geo. V, c. 61

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bengal Tenancy (Amendment No. 2) Act, 1918.

Amendment of section 74 of Act VIII of 1885

2. Section 74 of the Bengal Tenancy Act, 1885 (hereinafter called the said Act), shall be renumbered as sub-section (*1*) of section 74, and after the said subsection the following shall be added, namely:— VIII of 1885

"(*2*) All impositions upon tenants of road cess or public works cess, or of both,—

(*a*) in excess of the net amount prescribed by section 41 of the Cess Act, 1880, or Ben. Act IX of 1880

(*b*) on any scale in excess of that prescribed by clause (*3*) of that section,

levied in addition to the actual rent, shall be illegal, and all stipulations and reservations for payment of any such excess contained in any contract made between a landlord and a tenant on or after the 13th day of October, 1880, shall be void:

Provided that, subject to the provisions of section 72 of the Indian Contract Act, 1872, no suit shall lie for the recovery of anything paid before the commencement of the Bengal Tenancy (Amendment No. 2) Act, 1918, on account of the impositions referred to in sub-section (*2*)." IX of 1872

Amendment of section 75

3. In section 75 of the said Act,—

(*1*) after the words "in excess of the rent" the words "or road cess or public works cess" shall be inserted; and

(*2*) after the words "lawfully payable, may" the following shall be inserted, namely:—

"subject to the proviso to sub-section (*2*) of section 74."

STATEMENT OF OBJECTS AND REASONS.

UNDER the provisions of section 41 of the Cess Act, 1880 (Bengal Act IX of 1880), the amount payable on account of road and public works cesses by a cultivating raiyat to the person to whom his rent is payable is one-half of the full rate. When the Cess Act was first introduced in 1871, Government took the exceptional precaution of issuing a proclamation pointing out how the payments of raiyats were to be calculated, and informing them of their liabilities and rights. In 1885 it was brought to the notice of Government that it was a common practice of zamindars to recover from their raiyats the full amount of the road cess and public works cess payable to Government in respect of their estates. A notification was again published for the information of all persons concerned that the amount payable with his rent on account of road and public works cesses by any cultivating raiyat is only one-half of the full rate of such cesses. In I. L. R. 33 Cal. 683 it has been held that cess does not come within the definition of an *abwab* contained in section 74 of the Bengal Tenancy Act, 1885 (VIII of 1885), as it is not an imposition on the tenant by the landlord in addition to the rent but a tax imposed by Government, and that therefore a contract to pay more than the proportion payable by the tenant under section 41 of the Cess Act is not illegal. Recent inquiries have disclosed the fact that the limits laid down in section 41 of the Cess Act are being ignored on the authority of the High Court's rulings. On grounds of public policy it is desired to amend the law so as to bring it into consonance with the intention of the framers of the Cess Act, 1880.

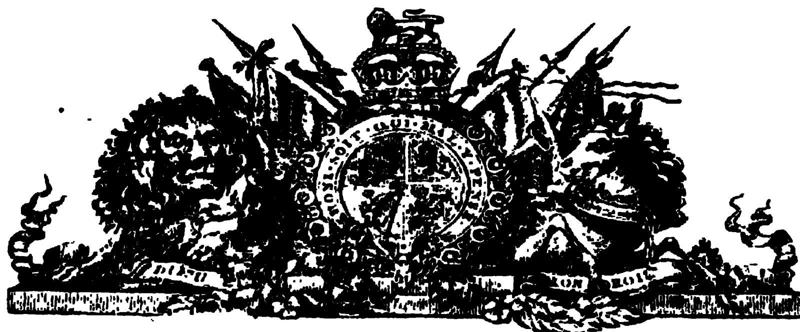
2. The object in view is sought to be attained by an amendment of section 74 of the Bengal Tenancy Act, providing that all impositions upon tenants, of road and public works cesses, in excess of the limits prescribed by section 41 of the Cess Act, 1880, in addition to the actual rent, shall be illegal, and that all contracts to pay more than the prescribed proportion made later than the 13th October, 1880, the date on which the Cess Act came into force, shall be void. Consequential amendments have also been made in section 75 of the Bengal Tenancy Act, 1885.

3. The proposed amendment will not affect contracts entered into by the holders of permanent *mukarari* leases, who will still be subject to the provisions of section 179 of the Bengal Tenancy Act.

4. Provision has been made that no suit shall lie for the recovery by tenants from their landlords of cess paid before the date on which the Bengal Tenancy Act will be amended.

J. G. CUMMING,
Member in charge

A. M. HUTCHISON,
Secretary to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).



The Calcutta Gazette

WEDNESDAY, AUGUST 7, 1918.

PART IV.

Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.

GOVERNMENT OF BENGAL.

BENGAL LEGISLATIVE COUNCIL.

NOTIFICATION.

No. 1058L., dated Calcutta, the 6th August, 1918.—His Excellency the Governor having been pleased to order, under rule 31(*1*) of the Bengal Legislative Rules, 1912, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information. It is proposed to introduce and consider and to pass the Bill at the meeting of the Bengal Legislative Council to be held on the 19th instant:—

THE CHITTAGONG PORT (AMENDMENT) BILL, 1918.

A

BILL

to amend the Chittagong Port Act, 1914. Ben. Act V of 1914.

WHEREAS it is expedient to amend the Chittagong Port Act, 1914, in the manner hereinafter appearing:

It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Chittagong Port (Amendment) Act, 1918.

Amendment of section 58 of Bengal Act V of 1914. **2.** In section 58 of the Chittagong Port Act, 1914,— Ben. Act V of 1914.

(1) sub-section (2), and

(2) in sub-section (3), the words, figure and brackets "Subject to the limits enacted by sub-section (2)",

shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to improve the financial position of the Port of Chittagong, which is very unsatisfactory. Under section 58 of the Chittagong Port Act, 1914 (Ben. Act V of 1914) the river due imposed on goods landed from, and shipped into, sea-going vessels is limited to the statutory maximum of four annas per ton. There is no such maximum limit in the Port of Calcutta—*see* section 108 of the Calcutta Port Act, 1890 (Ben. Act III of 1890). The intention of the Bill is to remove this limitation, thus enabling the Commissioners of the Port of Chittagong to assimilate, so far as possible, the schedules of their charges to those in force in the Port of Calcutta.

J. G. CUMMING.
Member in charge.

The 30th July, 1918.

A. M. HUTCHISON.
Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.)

Statement of weekly gauge-readings on the rivers Ganges and Brahmaputra at Goalundo for the week ending the 27th July 1918.

Date.	Time.	Height of surface above or below zero of gauge.	Height of surface above mean sea-level.	Height of surface above mean sea-level on same date last year.	Remarks.
1918.					
21st July	7 A.M.	22·5	22·5	22·0	Zero is placed at mean sea-level. The bench-mark for the gauge is on a pucca pillar between the Passenger ghât and Chaudpore ghât. Its reduced level is 22·41.
22nd "	7 "	22·7	22·7	21·9	
23rd "	7 "	22·8	22·8	22·0	
24th "	7 "	22·9	22·9	22·1	
25th "	7 "	22·9	22·9	22·0	
26th "	7 "	22·8	22·8	22·0	
27th "	7 "	22·8	22·8	22·1	

The previous year ...	Highest water-level ...	24·0 on 9th August 1917
Ditto ...	Lowest " ...	4·3 on 3rd March 1917.
Record (H.F. in Brahmaputra and Ganges)	Highest " ...	25·75 on 28th August 1906.
Record (average flood in Brahmaputra and Ganges) ...	Ditto " ...	25·74 on 20th and 21st August 1893.
Record (H.F. in Brahmaputra and Ganges)	Ditto " ...	25·66 on 11th to 17th and 31st August 1889 and on 1st to 3rd September 1889
Record (H F. in Brahmaputra only)	Ditto " ...	25·66 on 31st July 1900.
Do.	Lowest " ...	1·0 on 8th February 1914.
Do.	Ditto " ...	2·42 on 13th March 1906.
Do	Ditto " ...	2·91 on 21st to 24th February 1884 and 8th to 9th March 1881.
Do.	Ditto " ...	3·16 on 9th to 11th March 1885.
Do.	Ditto " ...	3·16 on 16th, 17th and 29th to 31st March 1901

N.B.—The gauge-readings commenced from 3rd October 1909.

FARIDPUR,
The 29th July 1918.

D. C. SEN GUPTA,
for *Subdivisional Officer, P. W. D., Faridpur.*

Statement of weekly gauge-readings on the river Ganges at Rampur-Boalia for the week ending the 27th July 1918.

Date.	Hour.	Height of surface above or below zero: *minus* sign for those below zero.	Height of surface above mean sea-level. Old value.	Height of surface above mean sea-level. According to correct B. M. now found.	Height of surface above mean sea-level on the same date last year. Old B. M.	Remarks.
1918.						
21st July	8 A.M.	Zero of gauge is at mean sea-level.	59·32	53·00	59·55	B. M. on College step 63·42.
22nd "	8 "		59·57	53·25	59·45	
23rd "	8 "		59·72	53·40	59·45	
24th "	8 "		59 72	53·40	59·50	
25th "	8 "		59·42	53·10	59·50	
26th "	8 "		59·22	52·90	59·75	
27th "	8 "		59 02	52·70	60·10	

		Value according to old gauge.	Value according to new value of B. M. = 63·42.
The previous year ...	Highest water-level ...	66·50 on 12th August 1917 ...	60·18
Ditto ...	Lowest " ...	40·15 on 19th-20th April 1917 ...	33·83
Record	Highest " ...	69·25 on 26th August 1879 ...	62·93
Do.	Ditto " ...	69·08 on 9th September 1885 ...	62·76
Do	Ditto " ...	68·30 on 25th August 1906 ...	61·98
Do.	Ditto " ...	68·21 on 26th August 1890 ...	61·89
Do.	Lowest " ...	37·63 on 25th April 1884 ...	31·31
Do.	Ditto " ...	38·13 on 14th-15th April 1885 ...	31·81
Do.	Ditto " ...	39·02 on 21st-22nd April 1897 ...	32·70
Do.	Ditto " ...	39·28 on 6th-7th May 1908 ...	32·96

N B.—The gauge-readings commenced from the 1st August 1887

BOALIA,
The 27th July 1918.

S. C. BHATTACHARJI,
for *Executive Engineer, Rajshahi Divn.*

Statement showing the gauge-readings at Dacca Water-works on the river Buriganga for the week ending the 27th July 1918.

Date.	At 7 A.M.	At highest water. Time.	At highest water. Readings.	At lowest water. Time.	At lowest water. Readings.	At 6 P.M.	Remarks.
1918.							
21st July	67·0	...	...	...	...	67·1	No fall.
22nd „	67·15	...	...	...	...	67·3	Do.
23rd „	67·5	...	...	...	...	67·7	Do.
24th „	67·8	...	...	...	...	67·9	Do.
25th „	68·0	...	...	...	...	68·1	Do.
26th „	68·2	...	...	...	...	68·2	Do.
27th „	68·3	...	...	...	...	68·3	Do.

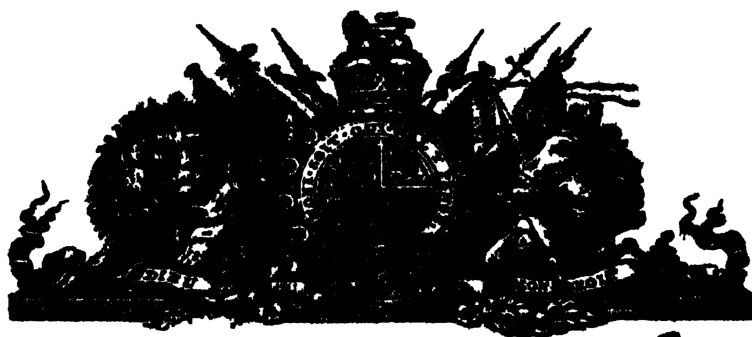
Notable high and low water-levels of previous years.

27th August	1906	...	...	...	...	70·5	Taken at high tide
5th September	1909	...	...	...	...	67·86	
10th August	1910	...	...	...	...	69·86	
1st „	1911	...	...	...	...	68·46	
13th „	1912	...	...	...	...	67·16	
31st „	1915	...	...	...	...	69·7	
18th „	1916	...	...	...	...	68·1	
12th „	1917	...	...	...	...	67·1	
23rd February	1907	...	...	...	...	51·06	Taken at low tide.
18th „	1908	...	...	...	...	51·06	
12th March	1912	...	...	...	...	51·06	
6th „	1914	...	...	...	...	50·6	
22nd February	1915	...	...	...	...	50·8	
15th „	1916	...	...	...	...	50·8	
3rd March	1917	...	...	...	...	51·0	

DACCA,
The 30th July 1918.

S. N. BANERJI,
Executive Engr., River Improvements, Dacca

Printed at the Printing Office, and published by the Book Depôt of the Bengal Secretariat, Writers' Buildings, in the City of Calcutta, on the 7th August 1918.



The Calcutta Gazette

WEDNESDAY, SEPTEMBER 11, 1918.

PART IV.

Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.

GOVERNMENT OF BENGAL.

BENGAL LEGISLATIVE COUNCIL.

NOTIFICATION.

No. 1235L., dated the 5th September, 1918.—The following Report of the Select Committee, which was presented to the Bengal Legislative Council on the 3rd September, 1918 (with the Bill as amended by the Committee), is hereby published for general information :—

THE CALCUTTA HACKNEY-CARRIAGE BILL, 1918.

REPORT OF THE SELECT COMMITTEE ON THE CALCUTTA HACKNEY-CARRIAGE BILL, 1918.

WE, the undersigned Members of the Select Committee, to which the Bill to consolidate and amend the law relating to hackney-carriages and palanquins and to make certain provisions with regard to rickshaws in Calcutta was referred, have considered the Bill and the papers noted in the margin, and have the honour to submit this, our Report, with the Bill, as amended by us, annexed hereto. In reprinting the Bill, all changes made by us have so far as possible been underlined, but in the present report we refer specifically to such changes only as appear to us to be of some importance. Several minor alterations are not discussed.

Papers No. 1.—Letter No. 588 G.M., dated the 25th March, 1918, from the Vice-Chairman, Garden Reach Municipality.

Letter No. 3456G., dated the 28th March, 1918, from the Chairman, Howrah Municipality, with enclosure.

Letter No. 4898, dated the 28th March, 1918, from the Chairman, Maniktala Municipality, with enclosure.

Paper No. 2.—Letter No. 454, dated the 3rd April, 1918, from the Honorary Secretary, British Indian Association.

Paper No. 3.—Letter No. 79, dated the 4th April, 1918, from the Honorary Secretary, Bengal National Chamber of Commerce.

Paper No. 4.—Letter No. C. M. 4-1918, dated the 9th April, 1918, from the Secretary, Calcutta Trades Association.

Paper No. 5.—Letter No. 1620, dated the 10th April, 1918, from the Secretary, European Association.

Paper No. 6.—Letter No. 48-1918, dated the 12th April, 1918, from the Honorary Secretary, Marwari Association, Calcutta.

Paper No. 7.—Letter No. 917, dated the 19th April, 1918, from the Honorary Secretary, Bengal Landholders' Association.

Paper No. 8.—Letter dated the 18th April, 1918, from the Honorary Secretary, Anglo-Indian Association, Calcutta.

Paper No. 9.—Letter No. 21 S.S, dated the 20th April, 1918, from the Chairman, South Suburban Municipality.

Paper No 10.—Letter No. 286, dated the 23rd April, 1918, from the Chairman, Cossipore-Chitpur Municipality.

Paper No. 11.—Letters Nos. G.-46-18/1926 and G.-46-18/2193, dated the 14th and 22nd March, 1918, respectively, from the Commissioner of Police, Calcutta.

Paper No. 12.—Letter No. 1037-1918, dated the 8th May, 1918, from the Secretary, Bengal Chamber of Commerce.

Paper No. 13.—Letter dated the 10th May, 1918, from Rai Nishi Kanta Ghosh Bahadur, Pleader, and ex-Chairman of the Mymensingh Municipality.

Paper No. 14.—Letter No. T. M.-128, dated the 21st May, 1918, from the Chairman, Tollygunge Municipality.

Paper No. 15.—Letter No. S. 894, dated the 27th May, 1918, from the Chairman of the Corporation of Calcutta.

Paper No. 16.—Letter dated the 22nd July, 1918, from the Secretary, Indian Association.

Clause 2(b).—A reference to other towns and local areas to which the Act may be extended has been inserted in order to put such towns or local areas on the same footing as Calcutta when it is desired to exclude or include any local area in the vicinity of such towns or local areas.

Clause 4 (3).—The portion from "and includes" to the end of this sub-clause has been struck out as we do not consider it advisable that the functions of the Commissioner of Police under the Act should be delegated.

Clause 4 (4).—This sub-clause has been struck out as being unnecessary as there are now only a few references to the Corporation.

Clauses 5 and 8.—We have omitted clause 8 and have revised clause 5 so as to enable the Commissioner of Police to fix the time when hackney-carriages should be registered, as it is not possible to register all hackney-carriages at the same time. Amendments in this respect have also been made in clauses 10 (*2*), 26 (*2*), 34 (*2*) and (*3*) and 62 (*2*).

Clause 6.—We consider that the control of hackney-carriages should be transferred from the Corporation to the Commissioner of Police in Calcutta, and alterations have been made in this clause and in clauses 4(*3*), 7, 17(*2*), 30(*2*), 60, 79 and 81 with a view to give effect to this transfer.

Clause 7.—We consider that the functions of the Registering Officer should not be delegated to any police-officer below the rank of sergeant, and we also consider that the functions of the Registering Officer conferred by clauses 9, 10, 13, 25, 26, 31, 33 and 61 should be retained by the Registering Officer.

Clause 9(2).—It seems to us desirable to include in this sub-clause a provision to the effect that the Registering Officer shall satisfy himself that the municipal tax in respect of the carriage has been duly paid for the half-year before he registers the carriage.

Clause 10(1).—It seems to us to be necessary to make it clear in this sub-clause that the license shall only be delivered upon payment of the registration fee leviable under a by-law made under clause 71 of the Bill. A similar alteration has been made in clause 26(*1*).

Clause 12.—We have re-drafted sub-clause (*1*) to include in it a provision for service of a notice in writing upon owners of hackney-carriages to produce them for inspection at such time as the Registering Officer may appoint.

Similar alterations have been made in clause 28.

Clause 13.—We do not consider it equitable that the driver's license should be cancelled if the carriage is unfit for public use. We have therefore struck out the reference to the driver in this clause. We have made similar alterations in clauses 23, 31 and 42.

Clause 14.—We have added two sub-clauses to this clause in order to make it necessary for the registered owner of a hackney-carriage to give notice of the transfer of his carriage, or of the discontinuance of the use of the carriage as a hackney-carriage.

Clause 17, sub-clause (2).—We consider it desirable to insert a second proviso to enable the carriage to be released on the owner furnishing security for its production.

Sub-clause (3).—We consider that a carriage seized under clause 17(*2*) may, if necessary, be detained at the Registration office.

Sub-clause (4).—We have extended the period of 10 days to 15 days. We have also inserted a provision for previous advertisement of the auction.

Sub-clause (5).—We have extended the period from 20 days to one month.

Similar alterations have been made in clause 30.

Clause 21.—We have inserted the word "wilfully" before the word "neglects" in order to make intention the essence of the offence. Clauses 40 and 41 have been similarly altered.

Clause 22 (2).—We have extended the period of non-delivery from three days to seven days. A similar alteration has also been made in clause 41(*2*).

Clause 23.—We have omitted the reference to the driver's license as a consequential amendment following the alteration made in clause 13. We consider that it should be compulsory for the Registering Officer to take possession of the plate in the circumstances and we have therefore substituted "shall" for "may". Similar alterations have been made in clause 42.

Clause 25.—We have inserted the words "or intended to be used" in this clause to enable an owner to have the horses registered, even though there is no carriage to be registered along with them.

Clause 26.—For the reasons noted against clause 10 we have revised sub-clause (*1*) of this clause.

Clause 28.—For the reasons noted against clause 12 we have revised sub-clause (*1*) of this clause. We have also added a proviso to sub-clause (*2*) giving the owner an opportunity before prosecution to explain the non-production of his horse.

Clause 30.—We have revised this clause on the same lines as clause 17.

Clause 31.—For the reasons given against clause 13 we have omitted the reference to the driver's license.

Clause 34 A.—This new clause provides for notice to be given of a change of a driver's residence. It is considered desirable that the Registering Officer should know where the drivers actually reside.

Clauses 40 and 41.—The alterations made in these clauses are made for the same reasons as those given against clauses 21 and 22.

Clause 42.—We have revised this clause on the same lines as clause 23.

Clause 45.—We have added a provision requiring the Magistrate to inform the Registering Officer of every endorsement which he makes on the driver's license under this clause.

Clause 47 (2) (c).—We have struck out this alternative provision as being unnecessary. The reference to this provision in the proviso to clause 47 (2) has also been omitted as a consequential amendment.

Clause 49 (2).—We have substituted five miles for four miles as the rate of speed for a hackney-carriage hired by time.

Clause 51.—We have inserted sub-clause (*q*) in order to prevent carriages being left unattended in streets or public places. Sub-clause (*r*) is designed to put a stop to the growing evil of the use of hackney-carriages for immoral purposes.

Clause 53.—The words "or attendant" have been inserted after the word "driver" wherever it occurs in this clause, so as to extend the scope of the clause to an attendant.

Clause 57 (1).—We have recast this sub-clause making it optional for the hirer to drive to the nearest Magistrate or to the Registering Officer.

Clause 59 (2).—The words "Local Government" have been substituted for the word "Corporation", as we recommend that the by-laws under clause 71 should be made by the Local Government.

Clause 60 (1).—We consider that in view of the transfer of hackney-carriages to the Commissioner of Police, the Commissioner of Police should be consulted before the Corporation builds public stands under this clause.

Clause 63 (1) (b).—We consider it desirable to include in the particulars of the register of licenses the place where the palanquin is to be kept.

Clause 67 (3).—We have altered the license fee of palanquin bearers from eight annas to four annas. We consider eight annas too much in the case of palanquin bearers.

Clause 71.—Now that the control of hackney-carriages is to be transferred to the police it is advisable that by-laws under the Act should be made by the Local Government.

Sub-clause (jj).—We consider that this new provision is necessary in order to protect hackney-carriage horses from cruel or inhumane treatment.

Sub-clause (l).—We have revised this sub-clause in order that the placing of advertisements on hackney-carriages, etc., may be permitted under certain conditions.

Clause 75 (1).—We have reduced the period within which prosecutions may be instituted from three months to one month, as is the case in Madras, as we consider that offences under this Act should be prosecuted with as little delay as possible.

Clause 76.—We have extended the scope of this clause to include all property, instead of merely that of the Corporation, as it seems right that all property should be treated alike in this respect.

Clause 77 (1).—We have substituted the words "officer in charge" for the words "Inspector or other officer on duty."

Clause 77 (3).—This sub-clause has been added as it is more convenient for people to make inquiries from the Registering Officer concerning any article left in a public conveyance.

Clause 79 A.—This new clause is based on section 127 of the Public Health Act, 1875 (38 & 39 Vict., c. 55) and section 11 of the Infectious Diseases (Prevention) Act, 1890 (53 & 54 Vict., c. 34) and provides for the disinfection of a hackney-carriage or palanquin engaged to convey a patient suffering from any dangerous infectious disorder or a corpse. We consider that a clause like this is very necessary in this Bill.

Clause 79 B.—We consider it necessary to provide in the Bill that the driver of a hackney-carriage or the bearer of a palanquin should not be arrested nor the carriage or palanquin seized when it is actually used for the conveyance of a passenger until some arrangement is made for the passenger to proceed to his destination, and we have suggested two methods by which this may be effected.

Clause 80 (1).—This sub-clause has been revised on the lines of section 22 of Burma Act IV of 1917.

Clause 81.—We consider that the "Commissioner of Police" should be included in this indemnity clause.

Clause 82.—Some necessary alterations have been made in this clause. A reference to clause 80 has been included in sub-clause (2) in order to provide for the disposal of fees and fines in areas outside Calcutta.

Clause 82A.—This new clause supplies a defect in the existing Act. It provides that a hackney-carriage registered in any town or area outside Calcutta can ply for hire within a radius of six miles from the place where it is registered. This will enable such carriages to ply in adjacent places without being registered in those places.

We recommend that the Bill, as thus amended, be passed.

B. C. MAHTAB, *Member-in-charge*.
H. P. DUVAL.
C. F. PAYNE.
PRIYA NATH MUKHARJI.
DEBENDER CHUNDER GHOSE.*
RADHA CHARAN PAL.†
FRANK CARTER.
E. B. EDEN.
ALTAF ALI.
MAHENDRA NATH RAY.
MAHENDRA CHANDRA MITRA.†

A. M. HUTCHISON,

Secretary to the Government of Bengal and Secretary to the Bengal Legislative Council (Offg.).

CALCUTTA:

The 23rd August, 1918.

*[This member signed subject to the following note :—

"I agree generally though I voted against the transfer of the control to the Police Commissioner."]

†(This member signed subject to his Note of Dissent appended.)

NOTE OF DISSENT BY THE HON'BLE RAI RADHA CHARAN PAL BAHADUR.

It is nearly 54 years ago since the first legislation on the subject was undertaken. The objects of that measure were "to restrain the extortion of native livery-stable keepers, to provide a regulated scale of fares and otherwise to place the relations of the carriage-hiring community and the owners and drivers of gharries on a satisfactory footing". It became law as Bengal Act I of 1864. An amending Act was introduced for the more efficient control over drivers, and it became law as Bengal Act V of 1866. This Act continued till 1878. From 1864 to 1878 the Registering Officer was under the control of the Commissioner of Police. In 1878 an amending measure was introduced by the Hon'ble Mr. Reynolds which became Bengal Act IV of 1878, and it authorized the Local Government to place the Registering Officer under the control and supervision of the Corporation, and since 1878 the Registering Officer and the administration of the Hackney-carriage Act have been placed under the Corporation of Calcutta. The history of the administration of the hackney-carriage department under the Corporation is a steady and continuous development, progress and improvement of hackney-carriages in Calcutta. The Corporation had its standing hackney-carriage committee which worked with unremitting zeal and energy for the improvement of the hackney-carriage service and this has been acknowledged by Government. When the department has been for over 40 years under the Corporation which has done so much to improve the service, I hope the Legislature will be very chary to take away the administration of this department from a popular body and place it in the hands of a single person, however exalted his position and authority may be. The Corporation proposed in 1910 an amendment of the Hackney-carriage Act of 1891, in order to further improve the service. An amending Bill was introduced in 1916, but as the Select Committee materially changed it, the Bill was withdrawn, re-drafted and re-introduced this year. If the original Bill had been sent up to the Council the question of transfer of the Hackney-carriage Department to the Police would not have arisen. The Bill of 1918 was sent to the Corporation when the Chairman advocated the transfer of the hackney-carriage to the Police, for he started the idea "that the hackney-carriage should be under the Police and the fire-brigade under the Corporation as was the ordinary system in other countries". He asked "as a *quid pro quo* that the control of the fire-brigade should be transferred from the Police to the Corporation". There was divergence of opinion amongst the members of the Corporation. Mr. Phelps stated that the hackney-carriage service had attained a certain amount of efficiency after many years and the Police had a lot of important things to do and he, therefore, failed to see what advantage would accrue from the transfer. The Hon'ble Raja Hrishikesh Laha, representing an important section of the community, thought that the public would not like the transfer because they would not be able to approach the Police so easily as the Corporation. He emphasized that the public would surely oppose the proposal. The Chairman, Mr. Payne, admitted that there had been substantial improvement in the hackney-carriage service, but he thought it would be a *quid pro quo* to get the fire-brigade in exchange. In my opinion, it is the idea of getting in hand the fire-brigade department that dominated the proposal. The Corporation, on the advice of Mr. Payne, by a very bare majority (it would not be far wrong to assume by the Chairman's casting vote) resolved "that the control of the hackney-carriages should be transferred to the Police and that the control of the fire-brigade should at the same time be transferred to the Corporation". But, as stated by the Hon'ble Member in charge of the Bill, the fire-brigade will not be made over in exchange to the Corporation, and, therefore, it must be assumed that the Corporation is not prepared to part with the hackney-carriage department. It has been urged by two European Associations that the hackney-carriages should be transferred to the Police as, in their opinion, all vehicles should be under their control. May I ask what about the carts? The cart registration is in the hands of the Corporation and I believe it will be admitted that the bullock cart owners and drivers are

more difficult to be dealt with than the owners and drivers of hackney-carriages. The present Commissioner of Police asked for the transfer of the hackney-carriage department. His predecessors, during the last 40 years, did not ask for it, and the ground, so far as I understand, urged by Mr. Clarke is the difficulty in serving summonses on hackney-carriage drivers. I do not understand why, now that under the present Bill the addresses and changes of addresses of drivers must be notified to the Registering Officer, what particular difficulty will arise in serving the summons. If there is any difficulty surely the same must appear in the case of bullock-carts. I do not know whether the next stage will be to take away cart registration from the Corporation.

Much is said about the efficient supervision of the Police. I do not cast any reflection upon them, but as it may imply relative inefficiency of the Corporation in the matter of the administration of the hackney-carriage department, I should like to quote here what a European Commissioner, representing the Trades Association, observed :—

"Mr. Shelton said that the control exercised over the taxi-cabs in Calcutta was not as it should be. There was no classification of the taxi-cabs, no uniformity in the dress of the drivers, and no inspection of fittings or machinery. He, therefore, suggested that the taxi-cabs should be brought under the control of the Corporation." Further, "Mr. Shelton said that, when this question of controlling the taxi-cabs in Calcutta was discussed previously it was thought that under the Police they would be more efficiently managed, but it proved otherwise. As they had a well-organized department in the Corporation, namely, the hackney-carriage department, he thought they could very efficiently deal with the taxi-cabs. These vehicles were generally in a dirty condition and, therefore, stricter supervision was necessary."

I can confidently state that the public opinion, particularly the Indian section of the community, are opposed to the transfer. Both the British Indian Association (I assume from Raja Hrishikesh Laha's observations) and the Indian Association are strongly opposed to it.

I do not wish to add any observation of mine. As regards the transference of the department to the Police it will not centralize the control in one place, for there is the Society for the Prevention of Cruelty to Animals who will deal with the gharrywallahs quite independently of the Police. Next, the Corporation will shortly have a Civil Veterinary Department and all horses and other animals in the city must pass through its hands. The complete control of all animals in Calcutta, inclusive of the S. P. C. A. agency, and the administration of the Glanders and Farcy Act will be transferred to the Corporation. As soon as the war is over and funds are available, the Corporation will organize this department.

Another point is that an appeal against the order of the Registering Officer lies with the Commissioner of Police. Here again I oppose the one-man rule. A Board should be constituted consisting of the representatives of the municipalities included in the area and the Commissioner of Police may be associated with them, and they should form the appellate authority, whose decision should be final, or, in the alternative, a Court of Law.

There may be some other points on which I may have to speak in the Council, but it is not necessary to note them all here.

I would recommend that the opinion of public bodies on the new proposal which was not in the Bill as introduced in Council be invited.

NOTE OF DISSENT BY THE HON'BLE RAI MAHENDRA CHANDRA MITRA BAHADUR.

I AGREE to the modifications made by the Select Committee in the Hackney-carriage Bill, subject to the following note of dissent :—

Looking to the history of legislation, it appears that Bengal Act V of 1866 which was introduced by Mr. F. R. Cockrell in the Bengal Legislative Council was amended in 1878 by Mr. Reynolds. The Act of 1866 placed the Registering Officer and the administration of the law relating to hackney-carriages entirely under the control of the Commissioner of Police, Calcutta. The object of Mr. Reynolds' amending Act (Bengal Act IV of 1878) was to authorize the Local Government to place the Registering Officer under the control and supervision of the Corporation. Since then the Registering Officer and the administration of the Hackney-carriage Act have been transferred from the Commissioner of Police to the Corporation of Calcutta. Since 1878 the hackney-carriage service has been administered satisfactorily by a body of gentlemen elected by the rate-payers of Calcutta and appointed by Government.

As there are no adequate reasons for this transfer, I do not agree with the majority of the members of the Select Committee who consider that the control of the hackney-carriages should be transferred from the Corporation to the Commissioner of Police, Calcutta, and in my opinion alterations should not, therefore, be made in clauses 6, 4(*3*), 7, 17(*2*), 30(*2*), 60, 79 and 81.

THE CALCUTTA HACKNEY-CARRIAGE BILL, 1918.

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THE CALCUTTA HACKNEY-CARRIAGE BILL, 1918.

(As amended by the Select Committee.)

[NOTES.—(1) The amendments made by the Select Committee have been underlined.

(2) Explanation of references in the margin :—The letter "s" followed by a number indicates the corresponding section of the Calcutta Hackney-carriage Act, 1891 (Ben. Act 2 of 1891). Marginal references to other Acts are given in full.]

A BILL

to consolidate and amend the law relating to hackney-carriages and palanquins and to make certain provisions with regard to rickshaws in Calcutta.

WHEREAS it is expedient to amend the law relating to hackney-carriages and palanquins and to make certain provisions with regard to rickshaws in Calcutta ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, commencement and extent.

1. (*1*) This Act may be called the Calcutta Hackney-carriage Act, 1918 [Cf. s. 1, Ben. Act V of 1911, ss 1(3), 148.]

(*2*) It shall come into force on such date as the Local Government may, by notification, direct; and

(*3*) It shall apply in the first instance only to Calcutta.

Further provisions as to extent.

2. The Local Government may, by notification,—

(*a*) extend this Act, or any portion thereof, to any other town or local area; or

(*b*) exclude from, or include in, Calcutta, or any other town or local area to which this Act is extended under clause (*a*), any local area in the vicinity of the same and defined in the notification :

Provided that no notification under this section shall be published in respect of any area included in a Military Cantonment without the previous sanction of the Governor General in Council :

Provided also that, before finally publishing any notification under this section, the Local Government shall publish a draft of the same in such manner as they may think fit, and any rate-payer or inhabitant of the area affected by such draft may, if he objects to the draft, submit his objection in writing to the Local

The Calcutta Hackney-carriage Bill, 1918.

(Chapter I.—Preliminary.—Clauses 3, 4.)

Government within six weeks from its publication, and the Local Government shall take such objection into consideration.

Repeal.

3. (*1*) The Calcutta Hackney-carriage Act, 1891, is hereby repealed. [*Cf.* s. 2] Ben. Act I of 1891.

(*2*) This repeal shall not affect the validity of anything done or suffered, or of any right, title, obligation or liability which may have accrued under the said Act; and all registrations made, licenses issued, penalties incurred, and other things duly done under the said Act shall, so far as they are consistent with this Act, be deemed to have been respectively made, issued, incurred or done hereunder.

(*3*) All proceedings now pending, which may have been commenced under the said Act, shall be deemed to be commenced under this Act.

Definitions.

4. In this Act, unless there is something repugnant in the subject or context,— [*Cf.* s. 3.]

(*1*) "bearer" when used with reference to rickshaws includes any person employed to draw or push a rickshaw;

(*2*) "Calcutta" means, subject to the exclusion or inclusion of any local area by notification under clause (*b*) of section 2, the area described in Schedule I to the Calcutta Municipal Act, 1899; Ben. Act III of 1899.

(*3*) "the Commissioner of Police" means the officer appointed under section 4 of the Calcutta Police Act, 1866; Ben. Act IV of 1866.

(*4*) (*Omitted*);

(*5*) "hackney-carriage" means any wheeled vehicle, drawn by horses and used for the conveyance of passengers, which is kept, offered or plies for hire by the hour or day or according to distance;

(*6*) "horse" includes mule and pony;

(*7*) "notification" means a notification published in the *Calcutta Gazette*;

(*8*) "palanquin" means a vehicle for the conveyance of passengers which is carried by men;

(*9*) "rickshaw" means a two-wheeled vehicle for the conveyance of passengers which is drawn by a man or men; and

(*10*) "stage-carriage" means any hackney-carriage, the passengers in which pay or are charged separate and distinct fares, or pay or are charged, at the rate of separate and distinct fares, for their respective places or seats therein or conveyance thereby.

The Calcutta Hackney-carriage Bill, 1918.

(*Chapter II.—Registration of Hackney-carriages.—Clauses 5—10.*)

CHAPTER II.

REGISTRATION OF HACKNEY-CARRIAGES.

Hackney-carriages to be registered annually.

5. Every hackney-carriage in Calcutta shall be annually registered by a Registering Officer, on such date as the Commissioner of Police may direct. [*Cf.* s. 5.]

Duties of Registering Officer.

6. (*1*) The Registering Officer shall be a Deputy Commissioner of Police specially appointed by the Local Government for this purpose, and he shall keep a register in which he shall enter every hackney-carriage under the class prescribed therefor by by-law made under section 71. [*Cf.* s. 5.]

(*2*) Every act, matter or thing done by the Registering Officer, under or by virtue of this Act, shall be subject to the control of the Commissioner of Police.

(*3*) (*Omitted*).

Power to Registering Officer to delegate his functions.

7. The Registering Officer may, with the sanction of the Commissioner of Police, by general or special order in writing, delegate to any police-officer, not below the rank of sergeant, all or any of the powers and duties conferred or imposed upon the Registering Officer by this Act or any by-law made thereunder, except those conferred or imposed upon him by sections 9, 10, 13, 25, 26, 31, 33 and 61. [New.] [*Cf.* B.-B. Act III of 1899, s. 18.]

8. (*Omitted*).

Procedure for registration

9. (*1*) Any person, who is desirous of registering a hackney-carriage, shall apply to the Registering Officer, stating the class in which he desires that the carriage may be registered, and shall submit the carriage for the inspection of the Registering Officer. [*Cf.* s. 7.]

(*2*) The Registering Officer shall satisfy himself that the municipal tax imposed upon such carriage for the current half-year has been paid, and decide whether the carriage is fit to be registered in the class applied for, and shall register it in that class or refuse to grant the application.

(*3*) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purposes of this Act.

License for carriage.

10. (*1*) The Registering Officer shall, at the time of registration, upon payment of such fee as may be fixed by by-law made under clause (*f*) of section 71, deliver a license, duly signed by him, to the owner of every hackney-carriage. [*Cf.* s. 8.]

(*2*) Such license shall, if not cancelled or suspended, continue in force for one year from the first day of the month in which the carriage is registered.

The Calcutta Hackney-carriage Bill, 1918.

(Chapter II.—Registration of Hackney-carriages.—Clauses 11—14.)

Particulars of register and license.

11. The following particulars shall be entered in the register, and shall be specified in the license to be given to the owner :— [Cf. s. 9]

(*a*) the class, and the number assigned to the carriage in the register;

(*b*) the name and residence of the owner, the description of the carriage, and the place where such carriage is to be kept;

(*c*) the number and description of horses to be employed in drawing such carriage;

(*d*) the number of passengers the carriage is licensed to carry;

(*e*) the date on which the license was granted; and

(*f*) such other particulars as may be prescribed by by-law made under section 71.

Production of carriages for inspection half-yearly.

12. (*1*) The owner of every hackney-carriage registered under this Act shall, on receipt of a notice in writing in this behalf, produce the carriage before the Registering Officer, for inspection, at such time as may be specified in the notice within two weeks after the expiration of six months from the date of every such registration. [New]

(*2*) If the owner of any such carriage fails to produce the same for inspection in accordance with the provisions of sub-section (*1*), he shall be liable to a fine not exceeding five rupees for every day during which, after the expiry of the period specified in sub-section (*1*) and before the carriage is produced for inspection, the carriage is used as a hackney-carriage, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

Registration of carriage and owner's license may be cancelled or suspended.

13. The Registering Officer may cancel or suspend, for such period as he thinks fit, the registration of any carriage and the license granted to the owner under this Act, whenever it appears to him that such carriage is unfit for public use. [Cf. s. 11.]

Notice to be given of change of ownership.

14. (*1*) Whenever any change takes place in the ownership of a hackney-carriage, if the person to whom such carriage is transferred desires to use it as a hackney-carriage, he shall, before so using it, give to the Registering Officer notice in writing of such transfer. [Cf. s. 12]

(*2*) Every such notice shall contain the particulars specified in clauses (*a*), (*b*) and (*c*) of section 11.

(*3*) If any such person, before giving such notice as aforesaid, uses such carriage as a hackney-carriage, he shall be liable to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

The Calcutta Hackney-carriage Bill, 1918.

(*Chapter II.—Registration of Hackney-carriages.—Clauses 15—17.*)

(*4*) Every owner of a hackney-carriage registered under this Act shall, within fourteen days of the transfer of such carriage to another person, or of the discontinuance of the use of the carriage as a hackney-carriage, give notice thereof to the Registering Officer, in the case of a transfer stating the name and residence of the transferee.

(*5*) If any such owner fails to give notice in accordance with the provisions of sub-section (*4*), he shall be liable to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Notice to be given of change of owner's residence or place where carriage is kept.

15. (*1*) Whenever the owner of a hackney-carriage registered under this Act changes his residence or the place where such carriage is kept, he shall, within one week from the date of such change, give to the Registering Officer a notice in writing thereof. [*Cf.* s. 13.]

(*2*) Every such owner who neglects to give such notice shall be liable for every such offence to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Change of ownership or residence to be entered in register.

16. The Registering Officer, on receiving a notice under section 14, sub-section (*1*) or (*4*), or section 15, sub-section (*1*), or after a conviction under section 14, sub-section (*3*) or (*5*), or section 15, sub-section (*2*), shall make the necessary alteration in the register and in the license. [*Cf.* s. 14.]

Penalty for using unregistered carriage.

17. (*1*) If any hackney-carriage is used as such without having been duly registered under this Act, the owner of such carriage shall be liable to a fine not exceeding one hundred rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding three months. [*Cf.* s. 15.]

(*2*) Any police-officer, or any person duly authorized by the Commissioner of Police in that behalf, may seize such carriage together with the horses and harness thereof and remove the same to a police-station :

Provided that, if it be proved on arrival at the police-station or afterwards that any horse so removed has been duly registered under this Act with its harness, that horse and harness shall be released forthwith :

Provided also, that any carriage so removed shall be released on the owner thereof furnishing security to the satisfaction of the officer in charge of the police-station for the production of the carriage when required.

(*3*) Any carriage seized under sub-section (*2*) which is not released under the second proviso thereto may be detained at the police-station or sent to the Registration office and detained there until any fine imposed by the Magistrate has been paid.

The Calcutta Hackney-carriage Bill, 1918.

(Chapter III.—Plate on Hackney-carriage.—Clauses 18—21.)

(4) If the hackney-carriage so seized be not claimed and if any fine imposed be not paid, together with any costs or charges incurred, within fifteen days of such seizure or imposition of such fine, respectively, such carriage may be sold by auction, after previous advertisement of such auction, and the sale-proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale.

(5) The surplus, if any, if not claimed by the owner within a further period of one month, shall be credited and applied in the same manner as fees and fines realized under this Act.

CHAPTER III.

PLATE ON HACKNEY-CARRIAGE.

Plate to be affixed outside carriage.

18. Upon the registration of any hackney-carriage, the Registering Officer shall cause to be affixed on some conspicuous part of the outside of such carriage a plate bearing the class and the number of such carriage in the register and the number of passengers which it is licensed to carry. [Cf s. 16.]

Penalty for using carriage without plate

19. If any hackney-carriage is let, used or plies for hire without having a proper plate affixed thereto under this Act, the owner thereof shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days. [Cf. s 17.]

New plate may be had on loss or obliteration of former one.

20. If, during the year of registration, the words or figures on any plate affixed to a hackney-carriage become indistinct or obliterated, or if the plate is lost or stolen, the owner of such carriage shall produce the carriage before the Registering Officer and, after proving the loss of the plate or on delivering the defective plate, to the Registering Officer, as the case may be, shall be entitled to have a new plate affixed upon payment of a fee of eight annas: [Cf. s 18.]

Provided that if any plate, in lieu of which a new plate has been affixed under this section, be afterwards recovered, the same shall forthwith be delivered to the Registering Officer.

Penalty for using obliterated plate or for failing to deliver lost plate when recovered.

21. Every owner of a hackney-carriage registered under this Act who uses or permits to be used any plate after the writing thereon has become indistinct or obliterated, [Cf s 18.]

and every person into whose possession any plate which has been lost or stolen comes, and who refuses or wilfully neglects for three days to deliver the same to the Registering Officer as required by the proviso to section 20,

shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

The Calcutta Hackney-carriage Bill, 1918.

(Chapter III.—Plate on Hackney-carriage.—Chapter IV.—Registration and Identification of Horses.—Clauses 22—25.)

Plate to be delivered on expiration of registration.

22. (*1*) Upon the expiration or other determination of the registration of a hackney-carriage, the owner of such carriage shall cause the plate affixed thereto under this Act to be delivered to the Registering Officer. [Cf. s. 19]

(*2*) Any person who, after the expiration of the period aforesaid, wilfully neglects for seven days to deliver the plate to the Registering Officer,

and every person who uses or retains any plate affixed in respect of a registration which is no longer in force,;

shall, for every such offence, be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

Power to take possession of plate on cancellation or suspension of registration

23. Whenever the Registering Officer cancels or suspends for any period, under section 13, the registration of any hackney-carriage he shall take possession of the plate affixed to such carriage under this Act. [New]

Penalty for using or having counterfeit plate

24. (*1*) Every person who, for the purpose of deception or with a view to avoiding any of the provisions of this Act. [Cf. s. 20.]

(*i*) uses or has in his possession any plate resembling or intended to resemble any plate affixed under this Act, or

(*ii*) uses, affixes or has in his possession any plate issued under this Act,

shall, for every such offence, be liable to a fine not exceeding one hundred rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding one month.

(*2*) The Registering Officer or any police-officer, may seize any plate used or had as aforesaid, wherever the same may be found.

(*3*) Whenever a police-officer seizes any plate under sub-section (*2*), he shall forthwith deliver it to the Registering Officer.

CHAPTER IV.

REGISTRATION AND IDENTIFICATION OF HORSES.

Horses to be registered annually.

25. Every horse used, or intended to be used, for drawing a hackney-carriage, together with the harness of such horse, shall be annually registered by the Registering Officer at the time and in the manner provided by Chapter II with respect to the registration of hackney-carriages: [Cf. s. 46]

Provided that the Registering Officer may refuse to register any horse if such horse or its harness appears to him to be unserviceable or unfit for public use.

The Calcutta Hackney-carriage Bill, 1918.

(Chapter IV.—Registration and Identification of Horses.—Clauses 26—29.)

License for horse.

26. (*1*) The Registering Officer shall, at the time of registration, upon payment of such fee as may be fixed by by-law made under clause (*f*) of section 71, deliver a license, duly signed by him, to the owner of every horse. [Cf. s. 8.]

(*2*) Such license shall, if not cancelled or suspended, continue in force for one year from the first day of the month in which the horse is registered.

Particulars of register and license.

27. (*1*) The following particulars shall be entered in the register, and shall be specified in the license to be given to the owner, namely:— [Cf. ss. 9 47.]

(*a*) the class of the hackney-carriage with which the horse is to be used, and whether it is to be used singly or in a pair;

(*b*) the name and residence of the owner;

(*c*) the number assigned to the horse in the register;

(*d*) the place where it is intended to keep the horse;

(*e*) the date on which the license was granted; and

(*f*) such other particulars as may be prescribed by by-law made under section 71.

(*2*) All the provisions of this Act in any way relating to the notification to the Registering Officer of the change of ownership and of residence of the owners of hackney-carriages and of the place where such carriages are kept shall be applicable in like manner to the owners of licensed horses.

(*3*) The person in whose name a horse is for the time being registered shall be deemed to be the owner of such horse for the purposes of this Act. [Cf. s. 7(3).]

Production of registered horses for inspection half-yearly

28. (*1*) The owner of every horse registered under this Act shall, on receipt of a notice in writing in this behalf, produce the horse and the harness used therewith before the Registering Officer, for inspection, at such time as may be specified in the notice within two weeks after the expiration of six months from the date of every such registration. [New.]

(*2*) If the owner of any such horse fails to produce the same with its harness in accordance with the provisions of sub-section (*1*) he shall be liable to a fine not exceeding two rupees for every day, during which, after the expiry of the period specified in sub-section (*1*) and before the horse is produced for inspection, the horse is used to draw a hackney-carriage, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days:

Provided that, before prosecuting the owner under this sub-section, the Registering Officer shall consider any explanation for the failure to produce the horse with its harness that may be put forward by the owner.

Identification of horses.

29. Upon the registration of any horse, the Registering Officer shall cause to be attached or applied to such horse such mark of identification as may be prescribed by by-law made under section 71. [Cf. s. 16.]

The Calcutta Hackney-carriage Bill, 1918.

(Chapter IV.—Registration and Identification of Horses.—Chapter V.—Driver's License and Ticket.—Clauses 30—33.)

Penalty for using horse not bearing identification mark.

30. (*1*) If any horse is employed for drawing a hackney-carriage let or used or plying for hire without bearing a mark of identification attached or applied to it under this Act, the owner of such horse shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days. [Cf. s. 17.]

(*2*) Any police-officer, or any person duly authorized by the Commissioner of Police in that behalf may seize such horse with its harness and remove the same to a police-station:

Provided that any horse with its harness so removed shall be released on the owner thereof furnishing security to the satisfaction of the officer in charge of the police-station for the production of the horse and its harness when required.

(*3*) Any horse with its harness seized under sub-section (*2*) which is not released under the proviso thereto may be detained at the police-station or sent to the Registration office and detained there until any fine imposed by the Magistrate has been paid.

(*4*) If the horse and the harness so seized be not claimed and if any fine imposed be not paid, together with any costs or charges incurred, within fifteen days of such seizure or imposition of such fine, respectively, such horse and its harness may be sold by auction, after previous advertisement of such auction, and the sale-proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale.

(*5*) The surplus, if any, if not claimed by the owner within a further period of one month, shall be credited and applied in the same manner as fees and fines realized under this Act.

Cancellation or suspension of registration of horse and owner's license.

31. The Registering Officer may cancel, or may suspend for such period as he thinks fit, the registration of any horse and the license granted to the owner under this Act, whenever it shall appear to him that such horse or the harness used therewith is unfit for public use. [Cf. s. 13.]

Application of certain provisions relating to hackney-carriages to horses.

32. All the provisions of this Act in any way relating to the renewing, producing, using, or taking possession of plates affixed to hackney-carriages shall, in like manner, and so far as the same may reasonably be applied, be applicable to the marks of identification attached or applied to horses. [New.]

CHAPTER V.

DRIVER'S LICENSE AND TICKET.

Driver of hackney-carriage to have license.

33. (*1*) No person shall act as a driver of a hackney-carriage without a license granted by the Registering Officer. [Cf. s. 21.]

The Calcutta Hackney-carriage Bill, 1918.

(Chapter V.—Driver's License and Ticket.—Clauses 34, 35.)

(2) No person shall be so licensed unless the Registering Officer, after due inquiry, is satisfied—

(a) that he is competent to drive a hackney-carriage, and has a sufficient knowledge of localities in Calcutta;

(b) that he is of sober habits, and has not been convicted of any offence which, in the opinion of the Registering Officer, is of such a nature as to render him unfit to hold a driver's license; and

(c) that he is not less than eighteen years of age.

Particulars and duration of license.

34. (1) Every license granted under section 33, sub-section (1), shall contain— [Cf. s. 21.]

(a) the number of the license;

(b) the name, father's name, place of abode, and age of the person to whom such license is granted;

(c) the date on which the license was granted; and

(d) a summary of the more important statutory provisions and by-laws affecting drivers of hackney-carriages;

and shall bear the signature of the Registering Officer.

(2) Every license granted under section 33, sub-section (1), shall, if not cancelled or suspended, continue in force for one year from the first day of the month in which it is granted, and shall thereafter be renewed; provided that the Registering Officer is satisfied that the driver continues to fulfil the conditions prescribed by clauses (a) and (b) of sub-section (2) of that section.

(3) For every such license and for every renewal thereof there shall be paid a fee of two rupees.

(Proviso omitted).

Notice to be given of change of driver's residence

34A. (1) Whenever a driver licensed under this Act changes his residence he shall, within one week from the date of such change, give to the Registering Officer a notice in writing thereof. [Cf. s. 18.]

(2) Every such driver who neglects to give such notice shall be liable for every such offence to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Penalty for not having license, or lending it out.

35. If any person acts as the driver of a hackney-carriage, without holding a license in force for the time being, [Cf. s. 22.]

or transfers, or lends his license, or allows the same to be used by any other person;

he shall, for every such offence, be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

The Calcutta Hackney-carriage Bill, 1918.

(Chapter V.—Driver's License and Ticket.—Clauses 36—40.)

Penalty for permitting unlicensed person to act as driver.

36. If any owner of a hackney-carriage permits any person, who has not obtained a driver's license, or whose license has either expired or been cancelled or suspended, to drive such carriage for hire, he shall be liable, for every such offence, to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days: [Cf. s. 23.]

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act, for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

Particulars of license to be registered and copy given on payment of fee.

37. The particulars of every license which is granted under section 33 shall be entered in the register to be kept for that purpose at the office of the Registering Officer; and a certified copy of such particulars shall be furnished to every person applying for the same on payment of a fee of eight annas. [Cf. s. 24.]

Driver to wear metal ticket

38. (*1*) The Registering Officer shall, at the time of granting a license to any driver of a hackney-carriage, deliver to him a metal ticket bearing the number of his license. [Cf. s. 25.]

(*2*) Every driver to whom such ticket is delivered shall, at all times while acting as driver or while attending before any Magistrate, carry such ticket exposed to view.

(*3*) In case any such driver omits to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Driver entitled to new ticket on loss or obliteration of former one

39. If, during the term of the license, the number on any ticket becomes indistinct or obliterated or the ticket is lost or stolen, the licensed driver shall produce his license before the Registering Officer, and on proving the loss of the ticket or on delivering the defective ticket to the Registering Officer, as the case may be, shall be entitled to have a new ticket upon payment of a fee of eight annas: [Cf. s. 26.]

Provided that, if any ticket, in lieu of which a new ticket has been issued under this section, be afterwards recovered, the same shall forthwith be delivered to the Registering Officer.

Penalty for using obliterated ticket, or for failing to deliver lost ticket when recovered

40. Every driver licensed under this Act who uses or wears the ticket granted to him after the number thereon has become indistinct or obliterated, [Cf. s. 26.]

and every person into whose possession any ticket which has been lost or stolen comes and who refuses or wilfully neglects for three days to deliver the same to the Registering Officer as required by the proviso to section 39,

shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

The Calcutta Hackney-carriage Bill, 1918.

(Chapter V.—Driver's License and Ticket.—Clauses 41—45.)

License and ticket to be delivered on expiry

41. (*1*) Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver his license and ticket to the Registering Officer. [Cf. s. 27.]

(*2*) Every driver who wilfully neglects for seven days to deliver such expired license and ticket to the Registering Officer,

and every person who uses, wears or retains any such expired license or ticket or any license or ticket other than such as shall have been delivered to him under the provisions of this Act,

and every person to whom any ticket has been delivered under this Act, who lends or transfers such ticket, whether current or expired, to any other person,

and every person who wears or uses the ticket of any other person,

shall, for every such offence, be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

Power to take possession of driver's ticket on cancellation or suspension of registration

42. Whenever the Registering Officer cancels or suspends for any period, under section 13 or section 31, the registration of any hackney-carriage or horse, as the case may be, he shall take possession of the ticket which was delivered to the driver of such carriage under section 38 or section 39. [New.]

Penalty for using or wearing counterfeit ticket

43. (*1*) Every person who, for the purpose of deception, uses or wears any ticket resembling or intended to resemble any ticket granted under section 38 or section 39 shall, for every such offence, be liable to a fine not exceeding one hundred rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding one month. [Cf. s. 28.]

(*2*) The Registering Officer or any police-officer may seize any such expired or counterfeit ticket, wherever the same may be found.

(*3*) Whenever a police-officer seizes any expired or counterfeit ticket under sub-section (*2*), he shall forthwith deliver it to the Registering Officer.

Penalty for failing to produce license before Magistrate

44. Whenever any driver is summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who, on such requisition, fails to produce such license shall, for every such offence, be liable to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding five days. [Cf. s. 29(1).]

Endorsement of conviction, warning or reprimand, on license

45. Whenever a Magistrate convicts a driver of any offence punishable under this Act, or warns him of his liability to punishment for any such offence, or [Cf. s. 29(2).]

The Calcutta Hackney-carriage Bill, 1918.

(Chapter V.—Driver's License and Ticket.—Clauses 46, 47.)

reprimands him in respect of his conduct as a driver, the Magistrate shall endorse on the driver's license—

(*a*) the nature of the offence for which the driver was convicted, the date of the conviction and the penalty imposed, or

(*b*) the warning or reprimand given,

as the case may be, and shall inform the Registering Officer of every such endorsement.

Revocation or suspension of driver's license on conviction.

46. (*1*) Any Magistrate before whom any driver is convicted of any offence, whether under this Act or under any other Act, may cancel his license or may suspend the same for such period as the Magistrate thinks fit, and for that purpose may require the driver, or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same. [Cf. s. 30.]

(*2*) Every driver or other person who, on being so required, refuses or neglects to deliver up the license and ticket, shall be liable, for every such offence, to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

(*3*) The Magistrate shall forward every license and every ticket delivered to him under sub-section (*1*) to the Registering Officer, together with a memorandum of his sentence in the case.

(*4*) The Registering Officer shall enter the fact of such sentence in the register referred to in section 37, and if the license has been suspended, the Registering Officer shall, on application at the end of the period of suspension, re-deliver such license and ticket to the person to whom they were granted.

Power to Registering Officer to cancel or suspend driver's license.

47. (*1*) If it appears to the Registering Officer that any licensed driver is not a fit person to drive a hackney-carriage, he may cause a notice to be served on such driver, requiring him to appear before the Registering Officer, at such time as may be specified in the notice, for re-examination. Every such notice shall state the reasons for such re-examination. [Cf. ss. 11, 30.]

(*2*) (*a*) If such driver fails to appear in pursuance of the notice served under sub-section (*1*), or

(*b*) if, upon his appearance, the Registering Officer finds that he is not a fit person to drive the hackney-carriage, or

(*c*) (*Omitted.*)

(*d*) if the owner of the carriage or of the horse used therewith on being summoned to produce the driver to answer any charge preferred against him under this Act fails to do so;

the Registering Officer may cancel the driver's license or may suspend the same for such period as he thinks fit, and may for that purpose require the driver, or any other person in whose possession such license or the ticket thereto belonging may then be, to deliver up the same:

The Calcutta Hackney-carriage Bill, 1918.

(Chapter VI.—Fares, Hiring and Plying for Hire.—Clauses 48—51.)

Provided that, before passing an order under clause (*d*), the Registering Officer shall consider any explanation for the failure that may be put forward by the driver or the owner as the case may be.

(*3*) Every driver or other person who fails to comply with any requisition made upon him under sub-section (*2*) shall be liable, for every such offence, to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

CHAPTER VI.

*FARES, HIRING AND PLYING FOR HIRE.

Owner to keep list of fares inside carriage

48. (*1*) The owner of every hackney-carriage registered under this Act shall cause to be put up, in such manner and in such position as may be directed by the Registering Officer, on the inside of such carriage, a list in such language or languages as the Local Government may, by notification, prescribe, showing the amount of fare according to distance and time which may be demanded and taken from the hirer of such carriage. [Cf. s. 32.]

(*2*) Every owner who fails to comply with the provision of this section shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Maximum distance to which driver is bound to drive.

49. (*1*) The driver of every hackney-carriage registered under this Act shall drive such carriage to any place which is not more than six miles from the place where the same has been hired, to which he shall be required by the hirer thereof to drive the same. [Cf. s. 32.]

(*2*) When any carriage is hired by time, the driver thereof shall drive the same at a rate not less than five miles within one hour.

(*3*) Any such driver who, without sufficient excuse (the burden of proving which excuse shall lie upon him), fails to comply with the provisions of this section shall be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

Penalty for refusing to let a carriage for hire.

50. Any owner, driver, or person in charge of any hackney-carriage registered under this Act, who, without sufficient excuse (the burden of proving which excuse shall lie upon him), refuses to let such carriage for hire, shall be liable for every such offence to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days and shall also pay to the party complaining such compensation as the Magistrate thinks fit. [Cf. s. 35.]

Penalty on driver and attendant for certain offences.

51. Every driver or attendant of a hackney-carriage who— [Cf. s. 36, Mad. Act V of 1911, s. 37.]

(*a*) is drunk during his employment;

(*b*) makes use of insulting or abusive language or gesture during his employment;

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(Chapter VI.—Fares, Hiring and Plying for Hire.—Clause 52.)

(*c*) stands (elsewhere than at some stand or other place appointed for the purpose) or loiters, for the purpose of being hired, in or upon any public street, road or place;

(*d*) suffers his carriage to stand for hire across any street or alongside of any other carriage;

(*e*) refuses to give way (when he reasonably and conveniently may do so) to any other carriage;

(*f*) wilfully obstructs or hinders the driver of any other carriage in taking up or setting down any passenger, into, or from such other carriage;

(*g*) wrongfully prevents or endeavours to prevent the driver of any other carriage from being hired;

(*h*) demands or takes more than the proper fare to which he is legally entitled;

(*i*) refuses to admit and carry in his carriage the number of passengers which such carriage is licensed to carry;

(*j*) carries more than such number of passengers;

(*k*) refuses to carry by his carriage such quantity of luggage as is prescribed by by-law made under section 71;

(*l*) being hired, permits or suffers any person to be carried in, or upon, or about such carriage during such hire, without the consent of the person hiring the same;

(*m*) drives in the carriage any animal which is not so secured as to be under the control of the driver;

(*n*) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring;

(*o*) plies for hire with any carriage or horse which shall be at the time unfit for public use;

(*p*) disobeys any direction given by a police-officer for the regulation of traffic and the control of carriages on hackney-carriage stands;

(*q*) leaves his carriage unattended in any street or public place;

(*r*) allows his carriage to be used by any person for the purpose of soliciting any other person to immorality,

shall be liable to a fine not exceeding one hundred rupees, or, imprisonment for a period not exceeding two months.

Penalty on driver for refusing to attend at premises of owner.

52. Any licensed driver, employed as a driver by the owner of any hackney-carriage registered under this Act, who, without sufficient excuse, refuses or neglects to attend at the premises where such carriage is kept for the purpose of driving any such carriage, whereby such owner is prevented from letting out the [*Cf.* s. 37.]

The Calcutta Hackney-carriage Bill, 1918.

(Chapter VI.—Fares, Hiring and Plying for Hire.—Clauses 53—55.)

same, shall be liable for each offence to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Owner may be summoned to appear before Magistrate and to produce driver or attendant.

53. (*1*) When a complaint is made before a Magistrate against the driver or attendant of a hackney-carriage registered under this Act for any offence committed by him against the provisions of this Act, or any by-law made hereunder, such Magistrate may, if the driver or attendant fails to appear, forthwith summon the owner of the carriage or of the horse used therewith, or both such owners, as he may consider necessary, personally to appear and to produce the driver or attendant of such carriage to answer the complaint. [Cf. s. 38.]

(*2*) If any such owner, without reasonable excuse, neglects or refuses to appear personally, or to produce the driver or attendant in compliance with a summons issued under sub-section (*1*), he shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days, and so from time to time, as often as he shall be so summoned, until such driver or attendant shall be produced by him:

Provided that if such owner, without reasonable excuse, neglects or refuses to appear personally, or to produce such driver or attendant on the second or any subsequent summons requiring him so to do, the Magistrate may proceed to hear and determine the complaint in the absence of the owner and the driver or attendant, as the case may be, or any of them.

Procedure on refusal to pay fare.

54. (*1*) If any person, who has hired a hackney-carriage registered under this Act, and who, without sufficient excuse, refuses to pay to the owner or driver thereof, on demand, the proper fare to which he is entitled the Magistrate may order payment of such fare and also of such compensation for loss of time as shall seem reasonable. [Cf. s. 39.]

(*2*) If any person who has used any such carriage attempts to evade payment of the fare, or any portion of the same, he shall be liable to a fine not exceeding fifty rupees, or to simple imprisonment for a period not exceeding fourteen days in addition to the payment of such fare and compensation, as hereinbefore mentioned.

Penalty for destroying carriage-plate, etc.

55. Any person who maliciously or knowingly tears, destroys, defaces, obliterates or removes any plate, table of fares, driver's ticket or mark of identification which has been affixed, put up, granted, attached or applied under the provisions of this Act, shall be liable for every such offence to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days. [Cf. s. 40(1).]

The Calcutta Hackney-carriage Bill, 1918.

(Chapter VI.—Fares, Hiring and Plying for Hire.—Clauses 56—60.)

Penalty for wilful injury to carriage.

56. Any person using a hackney-carriage registered under this Act who wilfully injures the same, shall be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days; and shall also pay to the owner of the carriage such compensation for the injury, as the Magistrate may direct. [Cf. s. 41.]

Disputes how to be settled.

57. (*1*) In case of any dispute between the hirer and driver of any hackney-carriage registered under this Act, [Cf. s. 42.]

the hirer may require the driver to drive to the Court of the nearest Magistrate or to the Registering Officer;

and, if any driver refuses to obey such requisition, the hirer may give such driver into the custody of the nearest police-officer.

(*2*) The police-officer shall thereupon take the driver and the hirer, together with the carriage and horse, to such Court or Registering Officer,

and the Magistrate or Registering Officer, as the case may be, may hear and determine the dispute in a summary way.

Table of distances signed by Registering Officer conclusive.

58. In the case of disputes as to fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of the distances therein stated. [Cf. s. 43.]

Hackney-carriage may ply for hire as stage-carriage.

59. (*1*) Any hackney-carriage registered under this Act may ply for hire as a stage-carriage. [Cf. s. 44; Mad. Act V of 1911, s. 43(2).]

(*2*) The owner or driver of a carriage so plying for hire or hired as a stage-carriage shall not be subject to any by-law made under clause (*g*) of section 71, but shall be entitled to demand and take for the hire of such carriage such fares as shall be agreed upon between him and the several hirers, respectively, subject to any maximum which may be prescribed by the Local Government by an order in writing.

(*3*) All the other provisions of this Act shall be applicable to the case of a hackney-carriage plying as a stage-carriage, so far as the same may be applicable in each case.

Stands to be appointed.

60. (*1*) The Corporation of Calcutta shall, in consultation with the Commissioner of Police, from time to time appoint the places in Calcutta that are to be used as public stands for hackney-carriages. [Cf. s. 45; Mad. Act V of 1911, s. 44.]

(*2*) Every public stand so appointed shall have a board placed in a conspicuous place on the same containing a notice in such language or languages as the Local Government may, by notification, prescribe, stating that the stand is a public stand under this Act and specifying the number of carriages that may stand upon it.

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(Chapter VII.—Palanquins.—Clauses 61—65.)

CHAPTER VII.

PALANQUINS.

Palanquins to be registered annually.

61. Every palanquin plying for hire in Calcutta shall be registered annually by the officer appointed for registering hackney-carriages, at the time and in the manner provided by Chapter II with respect to the registration of hackney-carriages: [Cf. ss. 11, 46.]

Provided that the Registering Officer may refuse to register any palanquin, or may cancel or suspend for such period as he thinks fit, the registration thereof, whenever such palanquin appears to him to be unfit for public use.

License for palanquins.

62. (1) The Registering Officer shall, at the time of registration, deliver a license, duly signed by him, to the owner of every palanquin. [Cf. s. 8.]

(2) Such license shall, if not cancelled or suspended, continue in force for one year from the first day of the month in which the palanquin is registered.

Particulars of register and license.

63. (1) The following particulars shall be entered in the register and shall be specified in the license to be given to the owner, namely:— [Cf. s. 47.]

(a) the number of the palanquin;

(b) the name and residence of the owner, and the place where the palanquin is to be kept;

(c) the number of persons the palanquin is licensed to carry:

(d) the date on which the license was granted;

(e) such other particulars as may be prescribed by by-law made under section 71.

(2) All the provisions of this Act in any way relating to the notification to the Registering Officer of the change of ownership or of residence of the owners of hackney-carriages shall be applicable in like manner to the owners of palanquins.

Plate to be affixed outside palanquin.

64. (1) Upon the registration of any palanquin, the Registering Officer shall cause to be affixed on some conspicuous part of the outside of such palanquin a plate bearing the number of such palanquin in the register and the number of persons it is licensed to carry. [Cf. ss. 16, 17, 46.]

(2) If any palanquin is let, used or plies for hire without having a proper plate affixed thereto under sub-section (1), the owner thereof shall be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

(3) The person in whose name a palanquin is for the time being registered shall be deemed to be the owner thereof for the purposes of this Act.

Application of certain provisions relating to hackney-carriages to palanquins.

65. All the provisions of this Act in any way relating to the cancellation or suspension of the registration of hackney-carriages and to the renewing, producing, using or taking possession of plates affixed to hackney-carriages shall be applicable in like manner to palanquins. [New.]

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(Chapter VII.—Palanquins.—Chapter VIII.—Rickshaws.—Clauses 66—70.)

Owner to keep list of fares inside palanquin.

66. The owner of every palanquin registered under this Act shall cause to be put up, in such manner and in such position as may be directed by the Registering Officer, on the inside of such palanquin, a list in such language, or languages as the Local Government may, by notification, prescribe, showing the amount of fare according to distance and time which may be demanded and taken from the hirer of such palanquin. [Cf. s. 49.]

License for bearers of palanquins.

67. (*1*) No person shall act as the bearer of a palanquin registered under this Act unless such person has obtained a license from the Registering Officer in the manner prescribed by Chapter V for drivers of hackney-carriages. [Cf. s. 51.]

(*2*) All the provisions of this Act in any way relating to the taking out, granting, renewing, producing or using the licenses, or to the issuing, granting, wearing, using or taking possession of tickets granted to drivers of hackney-carriages, shall be applicable in like manner to the bearers of palanquins.

(*3*) For every license to act as a palanquin-bearer, granted under this Act, there shall be paid a fee of four annas; and for every renewal thereof there shall be paid a fee of two annas.

Maximum distance to which palanquins are to be carried.

68. (*1*) The bearers of every palanquin registered under this Act shall carry such palanquin to any place which is not more than five miles from the place where the same has been hired, to which they shall be required by the hirer thereof to carry the same. [Cf. s. 52(*1*) and (*2*).]

(*2*) When any such palanquin is hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour.

Provisions regarding owners and drivers of hackney-carriages applicable to owners and bearers of palanquins.

69. All the provisions of this Act as to offences committed by or against the owners and drivers of hackney-carriages and the penalties in respect of the same and recovery thereof, and all the remedies given to or against hirers, owners or drivers of hackney-carriages, except the provisions contained in section 53, shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of palanquins. [Cf. s. 52(*4*).]

CHAPTER VIII.

RICKSHAWS.

Rickshaws.

70. All the provisions contained in this Act, relating to palanquins, and the hirers, owners and bearers thereof, shall be applicable, *mutatis mutandis*, and so far as the same may reasonably be applied, to all rickshaws plying for hire in any town or place in which this Act is in force, and to the hirers, owners and bearers of such rickshaws. [New.]

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(Chapter IX.—By-laws.—Clauses 71, 72.)

CHAPTER IX.

BY-LAWS.

Power to Local Government to make by-laws.

71. (*1*) The Local Government may make by-laws generally for carrying out the provisions and intentions of this Act; and in particular, and without prejudice to the generality of the foregoing power, they may make by-laws— [*Cf.* s. 58.]

(*a*) regulating the examination and qualification of drivers of hackney-carriages and bearers of palanquins and rickshaws, and the conditions under which they may be employed;

(*b*) prescribing the uniforms to be worn by drivers and attendants of hackney-carriages;

(*c*) specifying the description of horses, harness, or other things to be used in hackney-carriages, palanquins and rickshaws, the dimensions and colours of such carriages, palanquins and rickshaws, and prescribing the condition in which such carriages, palanquins and rickshaws and the horses, harness and other things used therewith, shall be kept;

(*d*) prescribing the mark of identification of horses to be used in any hackney-carriage;

(*e*) providing for the division of hackney-carriages into classes (if any);

(*f*) prescribing the fees to be paid for the registration of carriages, horses, palanquins and rickshaws, respectively, under this Act, and for alterations to be made in any register kept thereunder;

(*g*) prescribing the fares to be paid for the hire of hackney-carriages, palanquins and rickshaws, respectively;

(*h*) regulating the quantity of luggage to be carried by hackney-carriages;

(*i*) for the inspection of the premises on which any such carriages, palanquins, rickshaws, horses, harness and other things are kept;

(*j*) for the protection of weak, lame or sickly horses and the prevention of their use in hackney-carriages;

(*jj*) for the regulation of the use of horses in hackney-carriages;

(*k*) for the publication of a table of distances;

(*l*) for regulating or preventing the placing of advertisements on or in hackney-carriages, palanquins or rickshaws; and

(*m*) prescribing particulars to be entered in the registers and licenses under this Act.

(*2*) By-laws made under this section shall be published in such manner as the Local Government may direct. [*Cf.* Ben. Act III of 1884, s. 351A(2).]

Penalty for infringement of by-laws.

72. Whoever infringes any by-law made under this Act shall be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days. [*Cf.* s. 54.]

The Calcutta Hackney-carriage Bill, 1918.

(Chapter X.—Prosecutions.—Chapter XI.—Miscellaneous.—Clauses 73—77.)

CHAPTER X.

PROSECUTIONS.

Effect of substituted service of summons.

73. A summons against a driver of a hackney-carriage registered under this Act for any offence against this Act may be served either on the person accused, or on the owner of the carriage, or on the owner of the horse used therewith, and the service on the owner shall be as effectual as if it had been made on the driver personally. [Cf. Act V of 1908, Sch. I, O. V, r. 20 (2).]

Ex parte disposal of criminal charges.

74. If, in any prosecution under this Act, the person charged does not appear as directed by the summons, the Magistrate may, upon proof of service, and if no sufficient cause be shown for the non-appearance, proceed to hear and determine the case in his absence. [Cf. s. 55; Mad. Act V of 1911, s. 47.]

Liability to fine when incurred.

75. (*1*) No person shall be liable to prosecution for any offence under this Act, unless the complaint respecting such offence be made within one month from the commission of such offence. [Cf. s. 56; Mad. Act V of 1911, s. 48(2).]

(*2*) For the purposes of this section every omission punishable under this Act shall be deemed to be a continuing offence so long as the omission continues.

Damage to property to be paid for.

76. (*1*) If, through any act, neglect or default on account whereof any person is fined under this Act, any damage to any property has been committed by such person, he shall be liable to make good such damage to the owner of such property as well as to pay such fine. [Cf. s. 57.]

(*2*) The amount of such damage shall be determined by the Magistrate by whom such person has been fined; and, in default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

CHAPTER XI.

MISCELLANEOUS.

Property left in carriage, palanquin or rickshaw to be deposited in police-station.

77. (*1*) If any property is left by any person in a hackney-carriage, palanquin or rickshaw, the driver or bearer thereof, as the case may be, shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest police-station, and shall there deposit it with the officer in charge. [Cf. s. 59.]

(*2*) The said officer shall forthwith enter in a book to be kept for that purpose—

(*a*) the description of such property;

(*b*) the name and address of the driver or bearer who brings it;

(*c*) the day and hour when it is brought;

(*d*) the name and address of the owner of the hackney-carriage, palanquin or rickshaw in which the property has been left, and the registered number of such carriage, palanquin or rickshaw;

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(Chapter XI.—Miscellaneous.—Clauses 78—79B.)

and shall grant a receipt for the same.

(3) The said officer shall also send a copy of every such entry to the Registering Officer.

Penalty for neglecting to deposit property.

78. Any driver or bearer who fails to deposit any property left in a hackney-carriage, palanquin or rickshaw within the time prescribed in section 77, sub-section (1), shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days. [Cf. s. 59 (3).]

Property to be returned to owner.

79. The property entered under section 77, sub-section (2), shall be returned to the person who proves to the satisfaction of the Commissioner of Police or such other police-officer, not below the rank of Inspector, as he may appoint in this behalf, that the same belonged to him, on payment of all costs incurred, together with such reasonable sum to the person who brought the same as the Commissioner or such other officer may determine: [Cf. s. 59 (4).]

Provided that, if within six months from the date of such deposit no person satisfies the Commissioner that he is the owner of the property, the Commissioner may cause the property to be sold, or otherwise disposed of; and the proceeds, after deducting therefrom the expenses, together with a reasonable sum to the driver or bearer, shall be credited and applied in the same manner as fees and fines realized under this Act.

Disinfection of hackney-carriage or palanquin after conveying a patient or corpse.

79A. (1) Every owner of a hackney-carriage or palanquin or the driver or bearer thereof, not providing for disinfection of the carriage or palanquin, at a place appointed by the Registering Officer, immediately after it has, with his knowledge, conveyed any person suffering from any dangerous infectious disorder, or after it has been used for conveying a corpse, and which fact had been previously notified by the hirer to the owner, driver or bearer shall, for every such offence, be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days: [Cf. 38 & 39 Vict., c. 55, s. 127 and 53 & 54 Vict., c. 34, s. 11.]

Provided that no such owner, driver or bearer shall be required to convey any person so suffering or any corpse until he has been first paid a sum sufficient to defray the loss and expenses incurred thereby, such sum not to exceed ten rupees in the case of a hackney-carriage and five rupees in the case of a palanquin.

Provision for passenger in case of seizure of hackney-carriage or palanquin.

79B. If a police-officer has cause to arrest a driver of a hackney-carriage or a bearer of a palanquin for any offence under this Act or any other bailable offence, or to seize a hackney-carriage or palanquin or a horse employed in drawing such carriage for a breach

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(Chapter XI.—Miscellaneous.—Clauses 80-82.)

of any of the provisions of this Act or of any rule made thereunder, when such carriage or palanquin is being used for the conveyance of a passenger, such police-officer shall, if so required by the passenger,—

(*a*) provide him with another carriage or palanquin, or

(*b*) permit the carriage or palanquin to proceed to the place to which the passenger desires to proceed,

and shall thereafter complete the arrest.

Fees and fines how to be dealt with.

80. (*1*) All fees and fines realized under this Act shall be credited to Government, and all charges incurred on the administration of this Act shall be met from such fees and fines. At the end of each year the balance of fees and fines realized during the year, after all such charges have been met, shall be paid to the Calcutta Municipal Fund. [Cf. s. 60; Bur. Act IV of 1917, s. 22.]

(*2*) In the event of one or more municipalities being included in Calcutta by virtue of a notification published under clause (*b*) of section 2, such balance shall be divided annually between the Corporation of Calcutta and such other municipality or municipalities in such proportion as the Local Government may from time to time determine.

Indemnity.

81. No suit shall be maintainable against the Commissioner of Police or any municipal authority, officer or servant or any police-officer or any person acting under the direction of the Commissioner of Police or of any municipal authority, officer or servant or of a Magistrate, or of any person appointed under section 82, sub-section (*1*) of this Act, in respect of anything lawfully and in good faith and with due care and attention done under this Act or any by-law made thereunder. [Cf. Ben. Act III of 1899, s. 685.]

Effect when Act extended outside Calcutta.

82. (*1*) Whenever this Act is extended to any other town or local area outside Calcutta under clause (*a*) of section 2, the Local Government may, by notification, appoint persons, or local authorities, to exercise and perform in such town or area the same powers and duties as are conferred or imposed by this Act on the Corporation of Calcutta and the Commissioner of Police, respectively. [Cf s. 61.]

(*2*) In each town or local area to which this Act may be extended, for the word "Calcutta" in sections 5, 33, 60, 61 and 80, sub-section (*2*) shall be read the name of such town or area, and for the words "Calcutta Municipal Fund" in section 80, sub-section (*1*), shall be read the fund of the local authority for such town or area.

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(Chapter XI.—Miscellaneous—Clause 82A.)

Hackney-carriages outside Calcutta to ply within certain radius.

82A. (*1*) Notwithstanding anything contained in this Act, a hackney-carriage registered under this Act in any town or local area outside Calcutta may ply for hire in any place outside Calcutta within a radius of six miles from such town or local area.

(*2*) All the provisions of this Act shall be applicable to the case of a hackney-carriage plying within such radius, so far as the same may be applicable in each case.

A. M. HUTCHISON,

Secretary to the Govt. of Bengal and
Secretary to the Bengal Legislative Council (Offg.).

NOTIFICATION.

No. 1236, dated the 5th September, 1918.—The following Bill was introduced in the Bengal Legislative Council on the 3rd September, 1918, and is hereby published for information, together with the Statement of Objects and Reasons annexed thereto :—

THE ENGAL PREVENTION OF ADULTERATION BILL, 1918.

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A

BILL

to make provision for the prevention of adulteration of food in Bengal.

WHEREAS it is expedient to make provision for the prevention of adulteration of food in Bengal;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and local extent

1. (*1*) This Act may be called the Bengal Prevention of Adulteration Act, 1918. [Cf. U. P. Act VI of 1912, s. 1.]

(*2*) This section shall extend to the whole of Bengal, except Calcutta as defined in clause (*7*) of section 3 of the Calcutta Municipal Act, 1899; and the Local Government may, from time to time, by notification in the *Calcutta Gazette*, extend all or any of the other sections of this Act to any local area outside Calcutta in Bengal. Ben. Act III of 1899.

(*3*) The Local Government in extending all or any of the sections of this Act, as provided in sub-section (*2*), may extend the same in respect of all articles of food or may limit the operation of the section or sections extended to any specified article of food.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) an article of food shall be deemed to be "adulterated" if the quality of that article has been reduced, lowered, or injuriously affected— [Cf. Ben. Act III of 1899, s. 3(a1).]

(*i*) by the mixing or packing with the article of any other substance; or

(*ii*) by the substitution for the article of any other substance wholly or in part; or

(*iii*) by the abstraction from the article of any valuable constituent thereof wholly or in part;

(*2*) "food" includes every article used for food or drink by man other than drugs or water; [Cf. U. P. Act VI of 1912, s. 2.]

(*3*) "local area" includes a municipality, cantonment, and any other area declared by the Local Government by notification in the *Calcutta Gazette* to be a local area for the purposes of this Act;

(*4*) "local authority" means—

(*i*) in the case of any municipality, the Chairman of such municipality;

(*ii*) in the case of a cantonment, the cantonment authority; and

(Chapter I.—Preliminary.—Chapter II.—General Provisions.—Clauses 3—5.)

(*iii*) in the case of any other local area, the District or Subdivisional Magistrate;

(5) "public analyst" means any person appointed by the Local Government to perform the duties and to exercise the powers of a public analyst as prescribed by this Act.

Power of Local Government to appoint public analyst.

3. The Local Government may, by notification in the *Calcutta Gazette*, appoint a person to be the public analyst for any area specified therein. [*Cf.* U. P. Act VI of 1912, s. 3.]

Power of Local Government to declare normal constituents of any article of food.

4. The Local Government may declare the normal constituents of any article of food and may determine, by rules in this behalf, what deficiency in any of these constituents, or what addition of extraneous matter or proportion of water in a sample of any article of food, shall, for the purposes of this Act, raise a presumption until the contrary is proved that the quality of the article of food has been reduced, lowered or injuriously affected; and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act. [*Cf.* 62 & 63 Vict., c. 51, s. 4.]

CHAPTER II.

GENERAL PROVISIONS.

Sale of food.

Prohibition of sale, etc., of food not of the proper nature, substance or quality.

5. (*1*) No person shall sell to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser; and no person shall manufacture for sale any article of food which is not of the nature, substance or quality which it purports to be: [*Cf.* U. P. Act VI of 1912, ss. 4 and 6.]

Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say:—

(*a*) where any matter or ingredient not injurious to health has been added to any article of food because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the inferior quality thereof; or

(*b*) where any article of food is unavoidably mixed with some extraneous matter in the process of collection or preparation; or

(*c*) where the article of food was purchased by the vendor as the same in nature, substance and quality as that demanded by the purchaser, and with a written warranty to the effect that it was of such nature, substance and quality; or

(*d*) where the article of food is sold in the same state in which the vendor purchased it; or

(Chapter II.—General Provisions.—Clause 6.)

(e) where a patent has been granted under any law for the time being in force in respect of any article of food, and the article is sold in the state required by the specification of the patent.

(2) In any prosecution under this section it shall be no defence to allege that the vendor or manufacturer was ignorant of the nature, substance or quality of the article sold, exposed for sale or manufactured for sale by him.

(3) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any article of food found in the possession of a person who is in the habit of manufacturing like articles for sale has been manufactured for sale by such person.

Prohibition of sale, etc., of articles of food which are not of the prescribed standard of purity.

6. (1) Notwithstanding anything contained in section 5, no person shall sell, expose for sale or manufacture or store for sale, any of the following articles, namely:— [Cf. Bom. Act III of 1888, ss. 417 and 417A.]

(a) milk (other than condensed milk in hermetically closed receptacles),

(b) butter,

(c) ghee,

(d) mustard oil, and

(e) any other article of food which may be notified by the Local Government in this behalf,

unless the following conditions are fulfilled, namely:—

(i) in the case of milk (other than condensed milk in hermetically closed receptacles), the animal from which the milk is derived shall be definitely stated in such manner as the local authority may, by general or special order, require, and the article sold, exposed for sale or stored for sale, as the case may be, shall be the natural secretion from the udder of such animal, from which no ingredient has been extracted and to which no water or other substance (including any preservative) has been added, and shall not contain a less proportion of non-fatty solids and of fat than such as the Local Government may prescribe;

(ii) in the case of butter, it shall be exclusively derived from milk or cream (other than condensed milk or cream), or both, with or without salt or other preservative, and with or without the addition of colouring matter, such preservative or colouring matter being of such a nature and in such quantity as not to render the article injurious to health, and shall not contain a greater proportion of water than may be prescribed by the Local Government in this behalf; [Cf. 50 & 51 Vict., c. 29, s. 3 and 7 Edw. 7, c. 21, ss. 1 (b) and 4.]

(iii) in the case of ghee, it shall not contain any substance which is not derived exclusively from milk

(*Chapter II.—General Provisions.—Clauses 7, 8.*)

(*iv*) in the case of mustard oil, it shall be derived exclusively from mustard seed; and

(*v*) in the case of any food notified by the Local Government under clause (*e*), it shall fulfil such conditions as may be prescribed by the Local Government in regard to such food.

(*2*) No person shall sell, expose for sale, or manufacture or store for sale any thing which is similar to any of the articles specified in clauses (*a*), (*b*), (*c*) and (*d*) of sub-section (*1*) or to any article notified by the Local Government under clause (*e*) of that sub-section, under a name which in any way resembles the name of such article.

(*3*) In any prosecution under this section the person selling or exposing for sale any of the articles specified in clauses (*a*), (*b*), (*c*) and (*d*) of sub-section (*1*), or any article notified by the Local Government under clause (*e*) of that sub-section, shall not be deemed to have committed an offence, if he proves to the satisfaction of the Court before whom he is charged that the article was purchased by him as the same in nature, substance and quality as that demanded by the purchaser, and with a written warranty to the effect that it was of such nature, substance and quality. [*Cf.* U. P. Act VI of 1912, s. 6(*e*).]

(*4*) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed for sale, or manufactured or stored for sale, by him.

(*5*) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any of the articles specified in clauses (*a*), (*b*), (*c*) and (*d*) of sub-section (*1*) or any article notified by the Local Government under clause (*e*) of that sub-section found in the possession of a person who is in the habit of manufacturing or storing like articles for sale, has been manufactured or stored for sale by such person.

Use of warranty as defence.

7. The warranties referred to in clause (*c*) of the proviso to sub-section (*1*) of section 5 and sub-section (*3*) of section 6 shall not be available as a defence unless the vendor has, within seven days after service of the summons, sent to the purchaser a copy of the warranty with a written notice stating that he intends to rely thereon and specifying the name and address of the person from whom he received it. [*Cf.* 62 & 63 Vict., c. 51, s. 20(*1*).]

Prohibition of adulterants in places where ghee, mustard oil, etc., are manufactured.

8. (*1*) No person shall keep or permit to be kept in any factory, in which butter, ghee, mustard oil or any article notified by the Local Government under clause (*e*) of sub-section (*1*) of section 6 is manufactured, any substance intended to be used for the adulteration of such butter, ghee, mustard oil or other article. [*Cf.* Ben. Act III of 1899, s. 495B.]

(*2*) If any article capable of being so used is found in such factory, the Court shall, unless and until the contrary is proved, presume in any prosecution under this section that it is intended to be used for the purposes of adulteration.

(Chapter II.—General Provisions.—Clauses 9—11.)

Receptacles for separated or skimmed condensed milk to be marked.

[Hongkong Ordinance No, 20 of 1911 s. 2.]

9. No person shall sell or expose for sale any tin or other receptacle containing condensed milk which has been separated or skimmed, unless such tin or receptacle bears a label on which and on its wrapper (if any) it is clearly indicated, both in English and in Bengali, that the milk has been skimmed and is not suitable for feeding infants under one year of age.

Analysis of food.

Power of purchaser to have article of food analysed

[Cf. U. P Act VI of 1912, s. 7.]

10. Any purchaser of an article of food shall be entitled, on payment of such fee as the Local Government may prescribe, to have such article analysed by the public analyst appointed for the area within which such article is purchased and to receive from him a certificate, in the form prescribed in the Schedule to this Act, of the result of his analysis.

Compulsory sale of food, etc., for purpose of analysis

[Cf. Ben Act III of 1899, s. 507.]

11. (*1*) Any person duly authorised by the Local Government or by any local authority empowered by the Local Government in this behalf, may require, on tendering the price for it, the sale to him during the process of manufacture, for the purpose of analysis, of such quantity of—

(*i*) any food, or

(*ii*) any ingredients used in the manufacture of food,

as is reasonably requisite for division and disposal under section 12; and any person in possession of the said food or ingredients shall be bound to sell such quantity.

(*2*) Any person duly authorised by the Local Government or by any local authority empowered by the Local Government in this behalf, may also require the surrender to himself, for the purpose of analysis, of such quantity as is reasonably requisite for division and disposal under section 12, of any food which for the purpose of sale is—

(*a*) in course of transit in any local area, or

(*b*) stored in any place in the said local area;

and any person in possession of the said food shall be bound to surrender such quantity:

Provided that in every such case the price of the food so surrendered shall be payable from such fund as the Local Government may prescribe to the owner of the food, if claimed by such owner within one month from the date of the said surrender.

(*3*) Any person duly authorised by the Local Government or by any local authority empowered by the Local Government in this behalf, may also require, by tender of the price, the sale to him, for the purpose of analysis, of such quantity of any food exposed or intended for sale, as is reasonably requisite for division or disposal under section 12; and any person in possession of or exposing the same for sale shall be bound to sell such quantity.

(Chapter II.—General Provisions.—Clauses 12—14.)

Procedure for analysis of food.

12. (*1*) Any purchaser who wishes to have an article of food analysed under section 10, and any person who purchases, for the purpose of analysis, a sample of food under section 11, sub-section (*1*) or sub-section (*3*), shall, after the purchase has been completed, forthwith notify to the seller, or his agent selling the article, his intention to have the same analysed, and shall divide the article into three parts, to be then and there separated, and each part to be marked and sealed or fastened up in any manner which its nature will permit. [Cf. U. P. Act VI of 1912, s. 9.]

(*2*) The person purchasing the article or sample shall deliver one of the said parts to the seller or his agent, and shall retain another part for future comparison, and shall send the remaining part to the public analyst appointed for the area where the article is sold.

(*3*) When any food is surrendered under section 11, sub-section (*2*), the person to whom it is surrendered shall forthwith notify to the person in charge of the said food his intention to have the same analysed, and shall thereupon deal with the food so surrendered in the manner provided in sub-sections (*1*) and (*2*). [Cf. Ben. Act III of 1899, s. 507 (2).]

Inspection and seizure of food.

Power to seize food which is believed to be adulterated.

13. (*1*) Any person duly authorised in this behalf by rule made under this Act may, at any time by day or by night, inspect and examine any food which is being manufactured for sale, or is in course of transit or stored for sale, or is hawked about or exposed for sale, and any utensil or vessel used for preparing, manufacturing or containing any such food; and no person shall offer resistance to, or obstruct, any such inspection or examination. [Cf. Ben. Act III of 1899, s. 503.]

(*2*) If the person so authorised has reason to believe any such food to be adulterated, he may seize and remove such food, utensil or vessel in order that the same may be dealt with in accordance with the provisions of section 14; and no person shall offer resistance to, or obstruct, any such seizure or removal.

(*3*) The person authorised as aforesaid may, instead of carrying away any food, utensil or vessel seized under sub-section (*2*), leave the same in such safe custody as he thinks fit in order that the same may be dealt with as provided in section 14; and no person shall remove such food, utensil or vessel from such custody or interfere or tamper with the same in any way while so detained.

(*4*) When any food is seized under sub-section (*2*), the person seizing it shall separate therefrom such quantity as is reasonably requisite for division and disposal for the purposes of this sub-section, and shall thereupon divide and dispose of such quantity in the manner provided in section 12, sub-sections (*1*) and (*2*).

Food, etc., seized under section 13 to be taken before Magistrate.

14. (*1*) Any food, utensil or vessel under section 13, sub-section (*2*), shall, subject to the provisions of sub-sections (*3*) and (*4*) of that section, be taken as soon as may be after such seizure, before a Magistrate. [Cf. Ben. Act III of 1899, s. 505.]

(Chapter II.—General Provisions.— Clauses 15—18.)

(2) If it appears to the Magistrate that any such food is adulterated, or that any such utensil or vessel is used for preparing, manufacturing or containing the same, he shall cause the food, utensil or vessel to be forfeited to the local authority for the area in which the seizure has taken place, in order that it may be destroyed or otherwise disposed of by that authority, at the cost of the person in whose possession it was at the time of its seizure, and such cost shall be realized as if it were a fine imposed under this Act.

(3) If it appears to the Magistrate that any such food is not adulterated, or that any such utensil or vessel is not used for preparing, manufacturing or containing the same, the person from whose shop or place the food, utensil or vessel was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award to such person from such fund as the Local Government may prescribe in this behalf, such compensation, not exceeding the actual loss which he has sustained, as the Magistrate may think proper.

Miscellaneous.

Duty of public analyst to supply certificate of analysis.

15. (1) Every public analyst to whom any article of food has been submitted for analysis under this Act, shall deliver to the person so submitting it a certificate in the form prescribed in the Schedule to this Act, specifying the result of his analysis, and shall send a copy of the same to the local authority concerned. [Cf. U. P. Act VI of 1912, s. 11.]

(2) Any document purporting to be such certificate signed by a public analyst shall be sufficient evidence in any inquiry, trial or proceeding under this Act of the result of such analysis :

Provided that any Court before which a case may be pending under this Act, whether exercising original, appellate or revisional jurisdiction, may, in its discretion, at the request either of the accused or the complainant, cause any article of food to be sent for analysis to the Chemical Examiner to Government, who shall thereupon analyse the same and report the result of such analysis to the said Court; and the expense of such analysis shall be paid by the accused or the complainant as the Court may, by order, direct.

Cognizance of offences.

16. No prosecution for any offence under this Act shall be instituted without the order or consent in writing of the local authority within whose jurisdiction the offence is committed. [Cf. U. P. Act VI of 1912, s. 12.]

Jurisdiction.

17. No Magistrate whose powers are less than those of a Magistrate of the second class shall try any offence under this Act. [Cf. U. P. Act VI of 1912, s. 13.]

Limitation for prosecutions.

18. (1) No summons shall issue for the attendance of any person accused of an offence under this Act unless the same is applied for within thirty days from the date upon which the order or consent referred to in section 16, shall have been made or given. [Cf. U. P. Act VI of 1912, s. 14.]

(Chapter II.—General Provisions.—Clauses 19, 20.)

(*2*) Every summons issued in a prosecution under this Act shall specify the particulars of the offence charged and the name of the complainant, and the date fixed for the hearing of the case shall not be less than seven days from the day on which the summons is served upon such person.

Fines, etc., how to be credited.

19. All fines realised under this Act in any local area to which all or any of the sections of this Act have been extended, and all other sums, if any, which the Local Government may direct to be utilized for the purposes of this Act, shall be credited—

(*i*) to the municipal fund, if the local area be within the limits of any municipality;

(*ii*) to the cantonment fund, if the local area be within the limits of any cantonment; or

(*iii*) to such fund as the Local Government may direct, in the case of any other local area.

Power of Local Government to make rules.

20. (*1*) The Local Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act. [Cf. Ben. Act VI of 1914, s. 33;

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules—

(*a*) determining what deficiencies in or additions to any article of food, the normal constituents of which have been declared under section 4, shall raise the presumption that the quality of such article has been reduced, lowered or injuriously affected;

(*b*) prescribing the proportion of non-fatty solids and of fat which must be contained in milk sold, exposed for sale or stored for sale;

(*c*) prescribing the maximum proportion of water which may be contained in butter sold, exposed for sale or stored for sale;

(*d*) prescribing the conditions to be fulfilled by any food notified by the Local Government under clause (*e*) of sub-section (*1*) of section 6;

(*e*) providing for the appointment by the Local Government, or by any local authority empowered by the Local Government in this behalf, of persons to perform the duties and to exercise the powers mentioned in section 11, or section 13;

(*f*) prescribing the fees to be charged by a public analyst for analysing articles of food under this Act; and

(*g*) prescribing the funds to which fines and other sums shall be credited under clause (*iii*) of section 19.

(*Chapter III.—Penalties.—Clause 21.*)

CHAPTER III.

PENALTIES.

Penalties.

21. Whoever contravenes any of the provisions of this Act mentioned in the first column of the following table shall be punished with fine, which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the following table, headed "Subject", are not intended as definitions of the offences described in the provisions mentioned in the first column, or even as abstracts of those provisions; but are inserted merely as references to the subject thereof:—

Provisions of the Act.	Subject.	Maximum fine which may be imposed.
Section 5, sub-section (*1*).	Sale, etc., of adulterated food.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 6, sub-section (*1*).	Sale, etc., of milk, butter, ghee, mustard oil or notified article which is not of the prescribed quality.	Ditto.
Section 6, sub-section (*2*).	Sale, etc., of articles similar to milk, butter, ghee, etc.	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.
Section 8, sub-section (*1*).	Keeping or permitting to be kept substance intended to be used for adulteration of butter, ghee, mustard oil, etc.	Ditto.
Section 9 ...	Sale of a tin or other receptacle containing separated or skimmed condensed milk, not properly labelled.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 11, sub-sections (*1*), (*2*) and (*3*).	Sale or surrender of articles of food required for purposes of analysis.	Two hundred rupees.
Section 13, sub-sections (*1*) and (*2*).	Offering resistance or obstruction to any authorized person inspecting or examining food or seizing or removing food believed to be adulterated.	Ditto.
Section 13, sub-section (*3*).	Removing, interfering or tampering with food, etc., seized and left in custody.	Ditto.

(The Schedule.)

THE SCHEDULE.

FORM OF CERTIFICATE.

(See sections 10 and 15.)

To[1]

I, the undersigned, public analyst for the , do hereby certify that I received on the day of 19 , from[2] a sample of for analysis (which then weighed[3]) and have analysed the same and declare the result of my analysis to be as follows :—

I am of opinion that the same is a sample of

[4]*Observations.*

Signed this day of 19

A. B.

at

[1] Here insert the name of the person submitting the article for analysis.

[2] Here insert the name of the person delivering the sample. If the sample is received by post or by railway, entry should be made accordingly.

[3] When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

[4] Here the analyst may insert, at his discretion, his opinion as to whether the mixture (if any) was for the purpose of rendering the article potable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether it was in excess of what is ordinary or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

NOTE.—In the case of a certificate regarding milk, butter or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

STATEMENT OF OBJECTS AND REASONS.

THE adulteration of food, particularly of articles of common consumption, such as milk, ghee, mustard-oil, etc., is extremely prevalent, and the existing law has entirely failed to check the evil. The present Bill has been framed for the purpose of remedying the defects in the law, which make this practice possible, and of ensuring the purity of the staple articles of food which are most liable to adulteration.

The Bill, which excludes Calcutta from its operation, provides for the fixing of a statutory standard of purity for various important articles of food. In the interests of the consumer the Bill is based on the general principle that a person who sells food must take the responsibility that the food is not adulterated; but protection is afforded to a vendor who sells an article which he purchased with a written warranty to the effect that it was the same in nature, substance and quality as that demanded by the purchaser. It prohibits the storing of adulterants in any factory where ghee, mustard-oil, etc., are manufactured, and powers are taken for the appointment of public analysts, for the compulsory sale to authorised persons of food for the purpose of analysis, and for the inspection and seizure of food which is believed to be adulterated. A private purchaser is also given power, under certain safeguards, to cause his purchases of food to be analysed. A certificate granted by a public analyst will be taken as sufficient evidence of the results of the analysis in a Court of Law.

The subjoined notes explain the more important clauses.

NOTES ON CLAUSES.

1. *Clause 1.*—Calcutta is excluded from the scope of the Bill as the Calcutta Municipal Bill contains special provisions dealing with the same subject. With this reservation the power of extension has been made as general as possible to meet the varying circumstances of the mufassal.

2. *Clause 2.*—The definition of the word "adulterated" is similar to that contained in Bengal Act I of 1917.

3. *Clause 4.*—Power is taken to the Local Government to declare the normal constituents of any article of food and to make rules to determine what variations from the normal will raise the presumption that the quality of the food has been reduced, lowered or injuriously affected.

4. *Clause 5.*—This clause, the basis of which is the offence of cheating, follows similar provisions in the United Provinces Prevention of Adulteration Act, 1912 (U. P. Act VI of 1912).

5. *Clause 6.*—It is proposed to enact more stringent provisions based on fixed standards in respect of certain important articles of food by means of this clause, which is mainly based on sections 415 and 417A of the City of Bombay Municipal Act, 1888 (Bom. Act III of 1888). The provisions have been made more stringent in the interests of the consumer on the principle that a person who sells food must himself take the responsibility that the food is not adulterated; but protection is given to a person who sells under a warranty.

The provision in this clause relating to butter is based on section 3 of the Margarine Act, 1887 (50 & 51 Vict., c. 29) and sections 1 (*b*) and 4 of the Butter and Margarine Act, 1907 (7 Edw. 7, c. 21).

6. *Clause 7.*—This clause, which is based on section 20 (*1*) of the Sale of Food and Drugs Act, 1899 (62 & 63 Vict., c. 51), is intended to prevent collusion between the vendor and the warrantor, by prescribing a time limit for the production of the warranty.

7. *Clause 8.*—This clause is based on section 495B of the Calcutta Municipal Act, 1899 (Ben. Act III of 1899). The operation of this clause has, however, been limited to factories.

8. *Clause 9.*—This clause has been inserted to ensure the labelling of tins of skimmed condensed milk in such a way as to warn the public that it is unsuitable for infants. The clause is based on Hongkong Ordinance No. 20 of 1911.

9. *Clause 10.*—This clause is based on section 7 of the United Provinces Prevention of Adulteration Act, 1912 (U. P. Act VI of 1912).

10. *Clause 11.*—This clause is based on section 507 of the Calcutta Municipal Act, 1899 (Ben. Act III of 1899), and provides for the compulsory sale or surrender for the purposes of analysis of food during the processes of manufacture, transit and storage.

11. *Clause 12.*—This clause is based on section 9 of the United Provinces Prevention of Adulteration Act, 1912 (U. P. Act VI of 1912), but differs from that section inasmuch as it makes division into three parts compulsory, following the English Law on the subject.

12. *Clause 13.*—This clause is based on section 503 of the Calcutta Municipal Act, 1899. Provision is made for safeguarding the position of the owner of food seized, by compulsory analysis of the food.

13. *Clause 14.*—This clause is based on section 505 of the Calcutta Municipal Act, 1899.

14. *Clauses 15, 16, 17 and 18* follow similar provisions in the United Provinces Prevention of Adulteration Act, 1912 (U. P. Act VI of 1912).

15. *Clause 19* provides for the credit of monies to be realized under this Bill.

16. *Clause 21.*—The penalties proposed under this Bill follow those enacted in the Calcutta Municipal (Amendment) Act, 1917 (Ben. Act I of 1917).

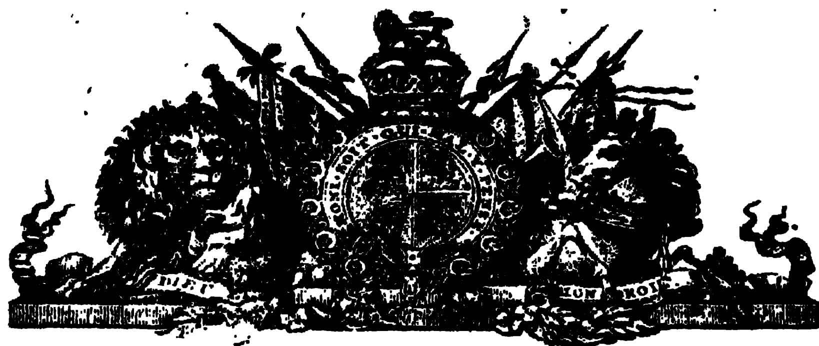
B. C. MAHTAB,

Member-in-charge.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council (Offg.).



The Calcutta Gazette

WEDNESDAY, DECEMBER 25, 1918.

PART IV.

Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.

GOVERNMENT OF BENGAL.

BENGAL LEGISLATIVE COUNCIL.

NOTIFICATION.

No. 1786L., dated the 19th December, 1918.—The following report of the Select Committee, which was presented to the Bengal Legislative Council on the 19th December, 1918 (with the Bill as amended by the Committee), is hereby published for general information:—

REPORT OF THE SELECT COMMITTEE ON THE BENGAL TENANCY (AMENDMENT No. 2) BILL, 1918.

We, the undersigned Members of the Select Committee to which the Bill further to amend the Bengal Tenancy Act, 1885, was referred, have considered the Bill and the papers noted in the margin, and have the honour to submit this, our Report, with the Bill as amended by us, annexed hereto.

In reprinting the Bill, all changes made by us have so far as possible been underlined.

Papers No. 1—Letter No. $\frac{434A.}{D.}$, dated the 28th July, 1918, from the Honorary Secretary, North Bengal Zamindars' Association.

Letter No. $\frac{L}{259}$ 5807, dated the 2nd August, 1918, from the Director of the Department of Land Records, Bengal.

Letter No. 2746, dated the 5th August, 1918, from the Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side.

Letter No. 2575 Cess, dated the 6th August, 1918, from the Officiating Secretary to the Board of Revenue, Bengal.

Papers No. 2.—Letter No. 49, dated the 6th August, 1918, from the Honorary Secretary, Dinajpur Landholders' Association.

Letter dated the 8th August, 1918, from the Honorary Secretary, Bengal Landholders' Association.

Papers No. 3.—Letter No. 25, dated the 12th August, 1918, from the Secretary, Muhammadan Association, Rajshahi.

Letter No. 106, dated the 13th August, 1918, from the Honorary Secretary, East Bengal Landholders' Association.

Papers No. 4.—Letter No. 41, dated the 14th August, 1918, from the Honorary Secretary, Bakarganj Landholders' Association.

Letter dated the 15th August, 1918, from the Secretary, Chittagong Association.

Paper No. 5.—Letter No. 543, dated the 17th August, 1918, from the Honorary Secretary, British Indian Association.

Paper No. 6.—Letter No. 75 R.A., dated the 31st August, 1918, from the Secretary, Rajshahi Association.

Paper No. 7.—Letter No. 63, dated the 3rd September, 1918, from the Secretary, People's Association, Tippera.

Paper No. 8.—Letter dated the 7th September, 1918, from the Secretary to the Indian Association.

Paper No. 9.—Letter dated the 7th September, 1918, from the Secretary, Bengal Tenants' Association.

Paper No. 10.—Letter dated the 30th September, 1918, from the Secretary, Mymensingh Association.

Paper No. 11.—Letter dated the 4th October, 1918, from the Honorary Secretary, Central National Muhammadan Association.

Clause 2.

2. We have made it clear that the reference in clause (*a*) of the proposed new sub-section (*2*) of section 74 of the Bengal Tenancy Act, 1885, is to clause (*2*) of section 41 of the Cess Act, 1880.

3. In order to meet the objections which have been raised as to the effect of the Bill as introduced on existing written agreements to pay cess in excess of the provisions of the Cess Act, it has been considered desirable to save existing written contracts; and a new proviso to this effect has been inserted in the proposed new sub-section (*2*). The existing proviso barring the recovery of excess cess will remain as a second proviso.

4. As section 179 of the Bengal Tenancy Act already protects permanent *mukarrari* lease-holders in any contract which they make with their tenants on the subject of cess, it was not considered necessary to make in the original draft of the Bill any reference to such cases. As, however, it has been pointed out that there should be a similar protection in the cases of leases executed before the passing of the Bengal Tenancy Act, we recommend that there should be a general saving provision dealing with *mukarrari* leases; and a provision for this purpose has been inserted as a proposed new sub-section (*3*) in section 74 of the Bengal Tenancy Act.

Clause 3.

5. The amendment here proposed is simply consequential.

6. We recommend that the Bill as thus amended be passed.

J. G. CUMMING, *Member-in-charge.*
J. H. KERR.
C. J. STEVENSON-MOORE.
H. P. DUVAL.
PRIYA NATH MUKHARJI.
PROVASH CHUNDER MITTER.
AMAN ALI.
ALTAF ALI.
SRI NATH RAY.

A. M. HUTCHISON,
Secretary to the Government of Bengal
and Secretary to the Bengal Legislative Council (Offg.).

CALCUTTA;
The 11th December, 1918.

THE BENGAL TENANCY (AMENDMENT No. 2) BILL, 1918;

(as amended by the Select Committee).

[NOTE.—The amendments made by the Select Committee have been underlined.]

A

BILL

further to amend the Bengal Tenancy Act, 1885.

WHEREAS it is expedient further to amend the Bengal Tenancy Act, 1885, in the manner hereinafter appearing; VIII of 1885.

And whereas the previous sanction of the Governor General has been obtained under section 79, sub-section (2), of the Government of India Act, 1915, to the passing of this Act; 5 & 6 Geo. 5, c. 61.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bengal Tenancy (Amendment No. 2) Act, 1918.

Amendment of section 74 of Act VIII of 1885.

2. Section 74 of the Bengal Tenancy Act, 1885 (hereinafter called the said Act), shall be renumbered as sub-section (1) of section 74, and after the said sub-section the following shall be added, namely:— VIII of 1885.

"(2) All impositions upon tenants of road cess or public works cess, or of both,—

(a) in excess of the net amount prescribed by clause (2) of section 41 of the Cess Act, 1880, or Ben. Act IX of 1880.

(b) on any scale in excess of that prescribed by clause (3) of that section,

levied in addition to the actual rent, shall be illegal, and all stipulations and reservations for payment of any such excess contained in any contract made between a landlord and a tenant on or after the 13th day of October, 1880, shall be void:

Provided that nothing in this sub-section shall affect the terms of a written contract registered before the commencement of the Bengal Tenancy (Amendment No. 2) Act, 1918:

Provided also that, subject to the provisions of section 72 of the Indian Contract Act, 1872, no suit shall lie for the recovery of anything paid before the commencement of the Bengal Tenancy (Amendment No. 2) Act, 1918, on account of the impositions referred to in sub-section (2). IX of 1872.

(3) Nothing in this section shall be deemed to affect the terms of a permanent *mukarrari* lease granted by a proprietor or holder of a permanent tenure in a permanently settled area."

Amendment of section 75.

3. In section 75 of the said Act,—

(*1*) after the words "in excess of the rent" the words "or road cess or public works cess" shall be inserted ; and

(*2*) after the words "lawfully payable, may" the following shall be inserted, namely :—

"subject to the second proviso to sub-section (*2*) of section 74."

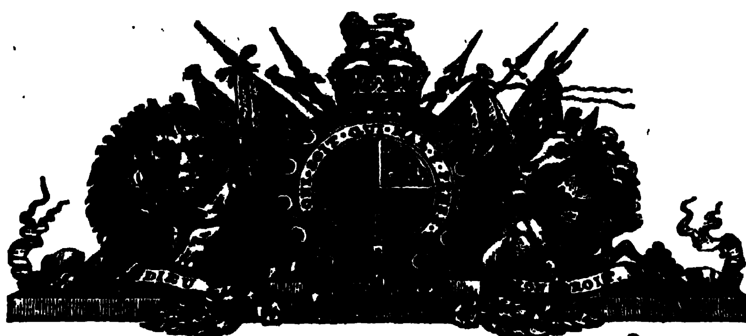
A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA :

The 19th December, 1918



The Calcutta Gazette

WEDNESDAY, JANUARY 9, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Tuesday, the 18th December, 1917, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble SIR S. P. SINHA, KT.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SURGEON-GENERAL W. R. EDWARDS, C.B., C.M.G.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. J. DONALD.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble MR. J. MACKENZIE.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajdhiraja Bahadur of Burdwan.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI, C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E.

The Hon'ble SIR A. BIRKMYRE, KT.

The Hon'ble MR. E. B. EDEN.

The Hon'ble MR. E. A. MARTIN.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble MR. K. B. DUTT.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

Questions and Answers.

LIST OF BUSINESS—ITEM NO. 1.

STARRED QUESTIONS.

The following starred questions were replied to :—

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*1. Will the Government be pleased to state whether it is a fact that non-official visitors to jails in Bengal have been informed that they are not allowed to inspect or inquire about political prisoners in jails, and, if the answer is in the affirmative, whether any steps have been taken to appoint special vistors for such prisoners? Non-official visitors and political prisoners.

Answer by the Hon'ble MR. KERR :—

"It is understood that the question refers to persons detained under Regulation III of 1818. These persons are detained under the warrant of the Government of India and the Regulation provides for the appointment of visitors. Such visitors have been appointed by the Government of India and are distinct from the ordinary jail visitors appointed by the local Government. Instructions have been issued accordingly to the jail authorities."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*2. (a) Is it a fact that at the Bagerhat Jail in the district of Khulna, Hindu prisoners are compelled to take their food from utensils used by Muhammadans? Hindu prisoners in Bagerhat Jail.

(b) If the answer be in the affirmative, will the Government be pleased to state whether they are taking any steps to remedy this state of affairs?

Answer by the Hon'ble MR. KERR :—

"No. There are separate cooking arrangements and utensils for Hindus and Muhammadans."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*3. Will the Government be pleased to state how much money is likely to be spent by the 31st March, 1918, out of the special grant of Rs. 2½ lakhs provided in the Budget for 1917-18, for mitigating the effects of floods in the Burdwan Division? Burdwan flood.

Answer by the Hon'ble MR. COWLEY :—

"It is anticipated that the full grant of Rs. 2½ lakhs provided in the budget for 1917-18 for mitigating the effects of floods in the Burdwan Division will be expended before the 31st of March, 1918."

Questions and Answers.

UNSTARRED QUESTIONS.

The answers to the following unstarred questions were laid on the table :—

By the Hon'ble MR. PROVASH CHUNDER MITTER :—

Village Union Committees.

I. (*a*) Will the Government be pleased to give an approximate idea of the total number of Village Union Committees that will have to be formed in order to parcel out all the districts in the Province of Bengal into Village Union Committees?

(*b*) How many Village Union Committees have been formed up to date?

(*c*) At the rate of progress for the last three years, what time is it likely to take to parcel out the whole of the Province into Village Union Committees?

(*d*) What is the existing machinery for starting, guiding and supervising Village Union Committees?

(*e*) Is the existing machinery well able to cope with the work indicated in clause (*d*)?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Taking the average area of a Union as 10 to 12 square miles, the number is 7,000 to 7,180.

(*b*) The total number sanctioned up to date is 233.

(*c*) Ten Union Committees were formed in 1914-15, 8 in 1915-16, and 72 in 1916-17 : the formation of 77 more Unions has been sanctioned since the end of the last year. The rate of progress in the past does not afford a criterion of the rate that may be possible in the future. It is hoped that when the Village Self-Government Bill passes into law, there will be a rapid extension of village self-governing bodies and that eventually there will be a network of them throughout the Presidency.

(*d*) Recently the District Board of Murshidabad has submitted proposals for starting Union Committees, but with this exception the initiative has hitherto been taken by the local officers of Government. The Union Committees are under the control of the District Boards, but in practice they are dependent for guidance and supervision on the District and Subdivisional Officers, and also on Circle Officers in districts in which such officers have been appointed.

(*e*) The number of Union Committees has, until recent years, been so small that the machinery has been adequate. Progress is at present checked by the limited number of Circle Officers available, but it is hoped to increase the number of these officers very considerably during the next few years."

By the Hon'ble MR. PROVASH CHUNDER MITTER :—

Co-operative movement in Bengal.

II. Taking into account the facts that the total number of members of the Co-operative Credit Societies in Bengal is only 121,833 (including non-agricultural societies) and the total agricultural population is over 33 millions, will the Government be pleased to give an approximate idea as to what time it is likely to take to confer the benefits of the co-operative movement on at least half the agricultural population of Bengal? Will the Government be pleased to state whether they are taking any steps for the expansion of the movement?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" A statement is laid on the table showing for each year since the beginning of the Co-operative movement the number of societies and the number of members in the districts which now constitute the Presidency of Bengal. The Hon'ble Member is reminded that the rate of progress shown by this statement is far more rapid than was the rate of progress of Raiffeisen Loan Banks in Germany. The first German bank was opened in 1849, the second in 1854, the third in 1862, and the fourth in 1868. It was not until 1880 that they began to multiply perceptibly, and the number of 2,000 was reached in 1896, 37 years after the inauguration of the first bank. Government are not prepared to prophesy regarding the date by which half of the agricultural population of Bengal will be receiving the benefits of the Co-operative movement.

The question of increasing the staff of the department with a view to more rapid expansion is under consideration."

Statement referred to in the answer by the Hon'ble MR. KERR *to question No. 11 (unstarred) asked by the Hon'ble* MR. PROVASH CHUNDER MITTER *at the Council Meeting of the 18th December, 1917, showing the progress of the Co-operative movement in Bengal during the period 1904-05 to 1916-17.*

Year.	Number of Co-operative Societies.	Number of members.
1904-05	20	957
1905-06	34	1,767
1906-07	83	4,621
1907-08	225	8,043
1908-09	311	11,918
1909-10	473	20,732
1910-11	719	29,674
1911-12	943	38,569
1912-13	1,121	57,061
1913-14	1,663	90,363
1914-15	1,992	107,118
1915-16	2,243	121,833
1916-17	3,086	143,448

By the Hon'ble MR. PROVASH CHUNDER MITTER :—

III. (*a*) Has any officer been appointed to inquire into the question of primary education in Bengal as promised by the Hon'ble Sir S. P. Sinha at the meeting of the Council held in September? Primary education in Bengal.

(*b*) If so, who has been so appointed?

(*c*) When did he start his work and when is he likely to submit his report?

Answer by the Hon'ble MR. O'MALLEY :—

" Mr. M. P. West, of the Indian Educational Service, has been placed on special duty for six months with effect from the 1st November, 1917, to conduct a survey of the state of primary education in Bengal. He is expected to submit his report on the conclusion of his special duty."

By the Hon'ble MR. PROVASH CHUNDER MITTER :—

IV. Will the Government be pleased to state the reason for not admitting eligible female students into the Calcutta Medical College? Female medical students.

Questions and Answers.

Answer by the Hon'ble MR. DONALD :—

"Government welcome the opportunity of giving a general statement of the facts of this case, which will incidentally answer questions IV—VII.

In 1884, the late Maharani Svarnamoyee came forward to supplement the efforts which were then being made by the local Government to encourage the provision of qualified female medical practitioners, and made a donation of Rs. 1½ lakhs for the promotion of female medical education. She imposed no restrictions upon the mode in which her gift should be administered, but it was understood at the time that she would be gratified if the money was expended on the construction of a hostel for Indian ladies studying medicine in Calcutta. Arrangements were consequently made for the construction of the hostel in the grounds of the Medical College, Calcutta, which now bears the name of the donor, at a total initial cost of Rs. 1,66,369, the difference between that sum and the amount given being borne by Government. Subsequent to that date, major improvements have been made in the hostel at a cost of Rs. 9,300, which has also been paid by Government. The management and control of the hostel was at first entrusted to the Bengal Branch of the Committee of the Dufferin Fund, but since 1913 it has been in the hands of the Governing Body of the Medical College: the whole cost of upkeep is met from provincial revenues, and the staff attached to it are treated as Government servants. There are at present 18 lady students at the College, of whom only one is of pure Indian nationality. In the last five years only 16 lady students have qualified, and of these only two bear Indian names; out of the 18 lady students referred to only 11 come from Bengal.

As is known, the number of male students in the Medical College has increased largely in recent years, the total being returned as 1,040 in 1917-18, as compared with 149 in 1889-90. It is also well known that more students apply for admission to the College than can be accommodated. Apart from this increase in the numbers to be taught, the expansion of the activities of the institution in many directions has led to an acute pressure on the space available within its boundaries, and it has become very desirable to find more accommodation for various purposes. Objection, again, has frequently been taken to the education of male and female medical students in the same institution, and there are various drawbacks attaching to arrangements for a few ladies only in a college of over 1,000 students of the other sex.

In these circumstances, a proposal was mooted that the hostel should be taken over for the general work of the College, while arrangements should be made for the education of lady students elsewhere. The Lady Hardinge Medical College at Delhi was started with the deliberate purpose of giving separate medical education to ladies in an institution staffed by ladies, and if the female students who had hitherto resorted to the Calcutta Medical College betook themselves in future to Delhi, their training could be completed in entirely suitable surroundings. Pending a final decision on this suggestion, the admission of more lady students to the Medical College was suspended, and it may be mentioned that no Indian student has, as a fact, joined the College since 1911-12; in any event, the present arrangements will be continued until those at present under tuition complete their training.

There has been subsequent discussion regarding the precise facilities which might be offered to ladies proceeding for this purpose to Delhi and enquiries have been made of the authorities of the Delhi College as to the possibility of admission there of ladies from this province. No final decision has been come to in the matter, and there is no wish to deal with the question without hearing the views of those interested in it. If the latter will communicate their opinions they will be duly considered.

Questions and Answers.

There is no intention of depriving ladies in Bengal of the opportunity for medical training; the scheme outlined would ensure this opportunity in circumstancs more suitable than those which at present exist, while incidentally facilitating the work of the Medical College in the manner described. The action which has been taken has been with the knowledge of the Hon'ble Maharaja Manindra Chandra Nandi, of Cossimbazar, as representing the deceased donor.

As regards the specific reference in question VII of the Eden Hostel, that institution is excellently fitted for the training of men and women in gynæcology, but it is not a xenana hostel; it is already fully utilised for purposes of training, and is in fact almost inadequate for the numbers of students under instruction."

By the Hon'ble MR. PROVASH CHUNDER MITTER :—

Hostel for female medical students.

V. (*a*) Is it a fact that the late Maharani Swarnamoyee built a hostel for facilitating the study of medicine by women in India?

(*b*) If so, is that building a trust building in the possession of the Government?

Answer by the Hon'ble MR. DONALD :—

"The Hon'ble Member is referred to the statement made in reply to question No. IV."

By the Hon'ble MR. PROVASH CHUNDER MITTER :—

Medical studies amongst female students.

VI. If it is a fact that eligible female students are no longer admitted into the Medical College, will the Government be pleased to state how it is proposed to facilitate medical studies amongst female students especially in this Province?

Answer by the Hon'ble MR. DONALD :—

"The Hon'ble Member is referred to the statement made in reply to question No. IV."

By the Hon'ble MR. PROVASH CHUNDER MITTER :—

Medical traini for women.

VII. (*a*) Are the Government aware of the opinion that has been expressed that the Eden Hospital is one of the best, if not the best, institution for the medical training of women in India, and especially for the relief of zenana women?

(*b*) Is this institution fully utilised for such training?

Answer by the Hon'ble MR. DONALD :—

"The Hon'ble Member is referred to the statement made in reply to question No. IV."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Muhammada student boarders at Dacca.

VIII. (*a*) Is it a fact that Muhammadan boarders have been directed to remove from the boarding quarters attached to the Dacca College to rooms in the Secretariat building?

(*b*) What were the total charges, item by item, which boarders had to pay in the College boarding quarters and what will be the total charges, item by item, in the Secretariat?

(*c*) Will the Government be pleased to state, in detail, the reasons which led them to remove the Muhammadan students from the College boarding quarters to the Secretariat?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Yes.

(*b*) The charge for Muhammadan students in the Dacca College hostel was only Re. 1-14 a month, viz., Re. 1 on account of electric light, 10 annas on account of conservancy and 4 annas on account of the hire of furniture. The number of Muhammadans in the College hostel was 34, and the same number of boarders in the Secretariat building pay Re. 1-14 or, if they provide their own furniture, Re. 1-10. Others pay Rs. 3-8 a month. The question whether the scale of fees should be revised is under the consideration of Government.

(*c*) It was decided to open a hostel in the Secretariat building in order that Muhammadan students living in unsuitable localities might be provided with good hostel accommodation and brought near the College, the gymnasium and the playing-fields; and it was considered desirable that those living in the College hostel should live together with their Muhammadan fellow-students.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Conversion of Mohsin grants into scholarships.

IX. (*a*) Will the Government be pleased to state whether leading non-official Muhammadan gentlemen were consulted before the conversion of Mohsin grants into scholarships was decided upon?

(*b*) If so, will the Government be pleased to lay on the table copies of opinions received from such sources?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) It is presumed that the Hon'ble Member refers to the conversion into stipends of the grant given from the Mohsin Fund to schools and colleges on account of short fee payments of Muhammadan pupils and students. The answer is in the negative.

(*b*) In view of the answer to (*a*) this question does not arise."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Vacancies in the Alipore Judge's Court.

X.—Is it a fact that recently on the occasion of a few vacancies in the Alipore Judge's Court, Muhammadan applications were not entertained, and that the vacancies were all filled up by the appointment of Hindus?

Answer by the Hon'ble MR. KERR :—

"Recently there were nine vacancies for probationers in the office of the District Judge, 24-Parganas, and there were 105 applicants, of whom seven were Muhammadans. The District Judge considered their applications, but was unable to appoint any of them on that occasion. Subsequently, when three more vacancies occurred, the Judge sent for six of the Muhammadans who had previously applied. Only two, however, appeared; one was over age, but the other was appointed."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Grievances of a Muhammadan probationer.

XI.—(*a*) Will the Government be pleased to state whether the following statement is correct :—

One Tejarat entered the Jessore Collectorate as a probationer, after having passed the Entrance Examination and served at Magura as a comparing clerk for five years since 1912. His services were dispensed with owing to a fall in copying fees. At about this time, there was a vacancy in the Collector's office and many Muhammadans, including Tejarat, applied. The appointment was given to a Hindu who was much junior to Tejarat?

Questions and Answers.

(*b*) Will the Government be pleased to state the total number of ministerial officers in the Jessore Collectorate, and also how many of these are Muhammadans?

(*c*) Will the Government be pleased to state why the appointment in the vacancy referred to in clause (*a*) above was not given to Tejarat or to any Muhammadan and also why a Hindu, junior to Tejarat, was selected?

Answer by the Hon'ble MR. KERR:—

"(*a*) and (*c*) The Hon'ble Member is referred to the answer given to the question on the same subject [LV (*c*)] asked by the Hon'ble Maulvi Abul Kasem in the Council meeting held on the 20th November, 1917.

(*b*) There are 59 ministerial officers in the Jessore Collectorate, of whom 14 are Muhammadans."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ:—

XII.—(*a*) Will the Government be pleased to lay on the table all papers relating to the establishment of the Permanent Committee for the supervision of Muhammadan Marriage Registrars? Supervision of Muhammadan Marriage Registrars.

(*b*) What were the objects for which the Permanent Committee was originally established and on what principles have appointments to the Permanent Committee been made in the past?

(*c*) What has been the average annual expenditure on account of the travelling allowances of members of the Permanent Committee for the period—

(*i*) from the establishment of the Committee up to the 30th November, 1917;

(*ii*) from the constitution of the present Presidency up to the 30th November, 1917.

Answer by the Hon'ble MR. KERR:—

"(*a*) The Permanent Committee for the supervision of Muhammadan Marriage Registrars was constituted by a resolution of the Government of Bengal dated the 31st May, 1884. A copy of paragraph 9 of that resolution which relates to the Permanent Committee, and a copy of the rules for their guidance referred to therein are laid on the table.

(*b*) The objects are stated in the rules which have been laid on the table. Muhammadan gentlemen who were believed to be in a position to advise Government regarding the administration of the Act have been appointed to the Committee.

(*c*) (*i*) Travelling allowance was first paid to Eastern Bengal members in 1908 and to Western Bengal members in 1916. No figures are available for the period before April 1, 1913.

(*ii*) Rs. 444."

Rules for the guidance of the Permanent Committee for the supervision of Muhammadan Registrars appointed under Act I (B.C.) of 1876, and of Kazis appointed under Act XII of 1880. (Referred to in the answer by the Hon'ble MR. KERR *to question No. XII asked by the Hon'ble* MAULVI A. K. FAZL-UL-HAQ *at the Council Meeting of the 18th December, 1917.)*

1. The Committee shall consist of five or more members appointed by the Local Government, the appointments being notified in the *Calcutta Gazette*. The Inspector-General of Registration for the time being shall be *ex officio* President of the Committee. Three members to form a quorum. In case of the death, resignation, or inability (from any cause) to act of any member, the President shall submit a fresh nomination for the consideration of Government.

Questions and Answers.

2. The Committee shall meet at the office of the Inspector-General of Registration on first Tuesday in every alternate month, commencing from January, provided there is business to necessitate its assembling so often. Due notice of the matters to be laid before the Committee shall be circulated beforehand. In case of any urgent business, or upon the requisition of three members, the President shall call a special meeting of the Committee for the consideration of such business.

3. The Committee shall have power to deal with the following matters :—

(*1*) The consideration of all nominations to the post of Muhammadan Registrars, made by the District Registrars under Rule 2 of the rules framed under the Muhammadan Marriage Registration Act, for recommendation to Government.

(*2*) The temporary suspension or removal of Muhammadan Registrars, subject to the submission of a report for the final orders of Government.

(*3*) The consideration of all nominations to the post of Kazi, made by District Registrars, for recommendation to Government.

(*4*) The temporary suspension or removal of Kazis, subject to the submission of a report for the final orders of Government.

4. Subject to the approval of Government, the Committee shall be empowered to arrange for the examination from time to time of all Muhammadan Registrars :—

(*1*) In the Muhammadan law of marriage and divorce.

(*2*) Act I (B.C.) of 1876 and its rules.

Copy of paragraph 9 of Resolution, dated the 31st May, 1884, referred to in the answer by the Hon'ble MR. KERR *to unstarred question No. XII asked by the Hon'ble* MAULVI A. K. FAZL-UL-HAQ *at the Council Meeting of the 18th December, 1917.*

9. Mr. Rivers Thompson also approves of the rules proposed for the guidance of the Permanent Committee for the supervision of Muhammadan Registrars, appointed under Act I (B.C.) of 1876, and of Kazis, appointed under Act XII of 1880.

The Committee propose that this Permanent Committee should consist of five members, the Inspector-General of Registration for the time being to be *ex officio* President, three members to form a quorum, and the appointments to be gazetted. The Lieutenant-Governor accordingly directs the establishment in Calcutta of a Permanent Committee, which will be composed of the gentlemen named below, if they be willing to serve on the Committee :—

The Inspector-General of Registration—Member and President, *ex officio*.

The Hon'ble Syed Amir Ali.

Nawab Abdul Luteef, C.I.E.

Nawab Mir Muhammad Ali.

Maulvi Abdul Hai, Head Maulvi of the Calcutta Madrassa.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Muhammadan Marriage Registrars.

XIII.—(*a*) How many cases of—

(*i*) appointment;

(*ii*) transfer; and

(*iii*) punishment

of Muhammadan Marriage Registrars have come up before the Permanent Committee since the creation of this Presidency up to the 30th November, 1917?

(*b*) In how many cases were the recommendations of the Committee in agreement with the recommendations of District Registrars, and in how many cases did the Committee overrule the recommendations of District Registrars?

(*c*) Is it a fact that some District Registrars protested against the decisions of the Permanent Committee in some cases?

Questions and Answers.

(*d*) Is it a fact that some District Registrars have approached Government for the abolition of the Permanent Committee?

(*e*) Is it a fact that Government propose to abolish the Permanent Committee at Calcutta?

(*f*) If the answer to clause (*e*) be in the affirmative, will the Government be pleased to state, in detail, the reasons which have led the Government to decide upon the proposed abolition?

(*g*) Was Muhammadan opinion consulted in the matter? If so, will the Government be pleased to state the names of the gentlemen so consulted and also lay on the table their opinions and any other papers relating to the subject?

(*h*) Will the Government be pleased to state what new scheme they propose to adopt as a substitute for the Permanent Committee?

Answer by the Hon'ble MR. KERR :—

"(*a*)—

(*i*) 89.
(*ii*) 36.
(*iii*) 11.

(*b*) The Permanent Committee agreed with the District Registrar in 106 cases and disagreed in 23 cases: in the remaining 7 cases District Registrars had made no proposal.

(*c*) No such case had been brought to the notice of Government, but it has been ascertained from the Inspector-General that in one case the District Registrar expressed his dissatisfaction with the selection of a candidate made by the Permanent Committee.

(*d*) No.

(*e*), (*f*), (*g*) and (*h*) The Hon'ble Member appears to be under a misapprehension. Government have no intention of abolishing the Permanent Committee, but they have decided that local Muhammadan Committees will be in a better position than the Permanent Committee to advise them on the subject of appointments. Further details as regards this decision will be found in Resolution No. 1410 T.R. of the 24th September, 1917, which was published in the *Calcutta Gazette* of the 26th September, 1917."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XIV. Will the Government be pleased to indicate in what respects economy in public expenditure has been effected in consequence of the war in the various departments of the public service under their control? Economy in public expenditure.

Answer by the Hon'ble MR. DONALD :—

"It is impossible to give a detailed account of the economies effected in public expenditure in consequence of the war, since, as a result of the restriction of expenditure to schemes of imperative urgency, the preparation of new schemes has been largely suspended, while prepared schemes, not of an urgent character, have not been examined with a view to their relative importance and to the provision of funds in the budget. It may be said generally that in consequence of the war, Government have curtailed all heavy fresh expenditure which could not be justified by special considerations."

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XV. (*a*) Is it a fact that the office of the Registrar, Co-operative Societies has been removed from Writers' Buildings?

(*b*) If so, will the Government be pleased to state, in detail, the reasons which led Government to this decision?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) The office of the Registrar, Co-operative Societies, will shortly be removed from Writers' Buildings to No. 6, Dacre's Lane, in order to provide space which is urgently required for the Press in Writers' Buildings.'

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XVI. (*a*) Is it necessary for the Registrar, Co-operative Societies, to have inter-departmental consultations with other departments?

(*b*) Who are the officers with whom the Registrar is most likely to have such consultations?

(*c*) In case such officers and the Registrar are located in different buildings, how will such consultations be carried on in future?

(*d*) Will the Government be pleased to state whether such consultations can generally be carried on by correspondence?

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes.

(*b*), (*c*) and (*d*) The Registrar frequently has occasion to consult the Revenue Secretary and the Director of Agriculture; such consultations are generally conducted verbally and not by correspondence; the removal of the Registrar's office to No. 6, Dacre's Lane, will not prevent verbal consultation."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XVII. Will the Government be pleased to state the expense that will have to be incurred in removing the office of the Registrar, Co-operative Societies, from Writers' Buildings as—

(*i*) initial expenditure; and
(*ii*) recurring expenditure?

Answer by the Hon'ble MR. KERR :—

"The removal of the Registrar's office will involve some initial expenditure on racks and furniture, the amount of which has not yet been ascertained. As No. 6, Dacre's Lane, is the property of Government, there will be no additional recurring expenditure."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XVIII. (*a*) Is it a fact that the bulk of the Government servants drawing comparatively small pay have been put to difficulties on account of the abnormal increase in the prices of the necessaries of life due to the war?

(*b*) Are the Government contemplating remedial measures to afford them some sort of relief?

Questions and Answers.

(*c*) Are the Government aware of any action taken by the Government of Bombay relating to the appointment of a Committee to consider the question of the grant of local allowances, particularly in the case of Government servants drawing less than Rs. 100 per mensem, and of house-rent allowances for menial employees during the period of the war?

(*d*) If the answers to clauses (*a*) and (*c*) are in the affirmative, will the Government be pleased to state—

(*i*) whether they contemplate taking similar action in Bengal; or

(*ii*) whether they propose to meet the situation in some other way?

(*e*) If the answer to clause (*c*) is in the negative, are the Government considering the desirability of obtaining the necessary particulars from the Government of Bombay, with a view to the adoption of a similar measure in Bengal?

Answer by the Hon'ble MR. DONALD :—

" (*a*) All Government servants on fixed pay are suffering from the increase in the prices of the necessaries of life due to the war.

(*b*) and (*d*) No general scheme or enquiry is at present in contemplation.

(*c*) and (*e*) Government understand that such a Committee has been appointed, but have no definite information as to the terms of reference to it. They will take steps to ascertain the precise position."

By the Hon'ble BABU AMBIKA CHARAN MAZUMDAR :—

XIX. (*a*) Has the attention of Government been drawn to the fact that a species of water-hyacinth, commonly called *kachuri* in the vernacular, has been spreading far and wide throughout the eastern districts, fouling water and in many places obstructing navigation? Water-hyacinth in Eastern Bengal.

(*b*) Is it a fact that these plants contain germs of malarial poison, or has any investigation shown that they are in any way injurious to the health of human beings?

(*c*) If so, are the Government considering the desirability of instructing Magistrates, whether as District Officers or as Chairmen of District Boards, to take prompt measures through the thana officers, or the village panchayat, or any other agency available, to remove the obnoxious plants?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) and (*c*) The Hon'ble Member is referred to the answer to question No. XXII asked at the Meeting of the Council on the 13th December, 1916.

(*b*) and (*c*). Government are advised that water-hyacinth does not contain germs of malaria poison, but that there is a danger of the plant obstructing waterways and assisting to bring about the silting up of tanks and thus indirectly affecting health conditions. The value of the plant as a manure when reduced to ash has been established and, as explained in a press *communiqué*, dated the 25th June, 1917, of which a copy is laid on the table, 4,000 maunds of ash have been purchased by Messrs. Shaw, Wallace & Co. and 550 maunds by the Government farm at Dacca, the total weight of the plant destroyed being over 17,000 tons. It is hoped that increasing quantities will be destroyed as the knowledge of its commercial value for manurial purposes spreads among the cultivators."

Questions and Answers.

Copy of Press Communiqué *referred in the answer by the Hon'ble* MR. O'MALLEY *to question No. XIX (unstarred) asked by the Honb'le* BABU AMBIKA CHARAN MAZUMDAR *at the Council Meeting of the 18th December, 1917.*

Calcutta, the 25th June, 1917.

Press Communique by—The Secretary to the Government of Bengal, Revenue Department.

IN a Press *communiqué* issued in April 1916 on the subject of water-hyacinth (*Eichornia crassipes*) it was stated that there was good reason to believe that this weed might, on account of the potash contained in it, prove of considerable value as a manure. It was further stated that field tests would be carried out at Dacca in the season 1916 to test the agricultural value of water-hyacinth.

The results of these tests are now available, and will shortly be published as a Pusa Bulletin* under the joint names of Mr. Finlow, Government Fibre Expert, and Mr. McLean, Deputy Director of Agriculture, Eastern Bengal. They confirm in every way the hopes expressed regarding the value of water-hyacinth as a manure.

* Water-hyacinth: Its value as a manure by R. S. Finlow, B. Sc., F. I. E., and K. McLean, B. Sc.

Jute was used at the test crop and the hyacinth was employed in two forms, viz. :—

(*a*) In the rotted state (37 maunds 10 seers=2,980 lbs. per acre).

(*b*) As ash after burning (365 lbs. of ash, containing 26 per cent. potash per acre).

Besides the ordinary check plots a number of other plots were manured with amounts of pure potash salts equivalent to those applied in the hyacinth. The tests showed that hyacinth, either rotted or in the form of ash, is a valuable manure for jute especially on the red soils of the Presidency, where its application may increase the yield of fibre by as much as 6 maunds per acre.

Similar increases in yields from plots manured with potash salts showed that the valuable constituent of hyacinth, as far as jute is concerned, is its potash.

It was found that the ash varies considerably in composition, its potash content having been found as low as 10 per cent., and as high as 34 per cent., the higher figure being obtained from a sample of hyacinth grown in deep water. Owing to the danger of loss of potash from the dried or rotted plant, it will be found more profitable to collect the hyacinth in the dry weather, *i.e.*, from the middle of October till the end of March. Messrs. Shaw, Wallace & Co. of Calcutta have offered to buy any quantity of hyacinth ash at the rate, until further notice, of Rs. 4 per commercial unit of potash delivered in Calcutta; thus the price paid for ash will vary according to the quantity of potash contained, ash containing 10 per cent. of potash fetching Re. 1-7 a maund, and ash containing 30 per cent. of potash fetching Rs. 4-4 per maund delivered in Calcutta. This firm have already purchased over 4,000 maunds of ash at the above rates. This, along with 550 maunds purchased by the Dacca Government farm, means the destruction of over 17,000 tons of the weed. It also means the addition of over 33 tons of potash to the stock of manure in Bengal.

Questions and Answers.

By the Hon'ble BABU AMBIKA CHARAN MAZUMDAR :—

XX. (*a*) Are the Government in possession of any information showing that it is in the contemplation of some of the State prisoners under Bengal Regulation III of 1818 and *détenus* under the Defence of India Act, now in the Alipore Central Jail, to go on hunger-strike owing to alleged hardships in that jail? Hunger-strike by *détenus* in the Alipore Jail

(*b*) Is it true that some of them have actually refused to take any food since the 1st December current?

(*c*) Are the Government considering the advisability of appointing a few non-official members of this Council to visit the State prisoners and *détenus* now in the Central Jail at Alipore, and, under proper safeguards, to inquire into and report on any complaints they may have to make as regards their treatment in that jail?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) Some of the State prisoners in the Alipore Jail abstained from food on the 30th November. They definitely stated that they had no complaints as to their treatment in jail or as to the food or clothing supplied, but they refused to take their food as a protest against their incarceration.

(*c*) Any complaints that the State prisoners and *détenus* wish to make can be made direct to Government. Government do not consider it desirable to set up a Committee intermediate between themselves and the State prisoners."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR, put the following Supplementary question :—

" Are the Government in possession of any information regarding the removal of one of these *détenus* from the Alipore Central Jail to Amraoti, and that he is now in a serious condition on account of his abstention from food. If so, will the Government be pleased to state what steps they are taking in regard to this case?"

The Hon'ble SIR HENRY WHEELER said :—

" I think, Sir, that this is a detail which hardly arises out of the question of the Hon'ble Member. I may, however, tell him that the latest information we have about this man was that he had taken food."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXI. Will the Government be pleased to lay on the table a copy of the list of sluices that have been constructed in Schedule D Embankments in the South-Western Circle since 1912, with a full description of such sluices? Sluices in South Western Circle.

Answer by the Hon'ble MR. COWLEY :—

" A copy of the descriptive list of sluices that have been constructed in Schedule D Embankments in the South-Western Circle since the year 1912 is laid on the table."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. COWLEY *to question No. XXI asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council Meeting of the 18th December, 1917, showing the sluices constructed on Schedule D Embankments in the South-Western Circle since 1912.*

Name of sluice.	Position of sluice.	Schedule D Embankment No.	When constructed.	Cost.	Number of vents.	Size of vents.	REMARKS.
				Rs.			
Jhanpur ...	14th mile of the Damodar Left Embankment (Burdwan).	32	1917	25,421	4	5'×6'. Floor level 97·00 M.S.L.	This is a brick masonry sluice of 4 vents, each 5' × 6' constructed for supplementing the water-supply of the Eden Canal. The vents are provided with draw shutters of ⅜" W.I. plates framed, which are worked by screw geared arrangement. The sluice channel is provided at the river face with a masonry stop-dam of 7 vents, each 7 feet wide with a floor level at 97·00. The stop-dam vents are operated by planks working in grooves. The sluice is used only for feeding the canal and not for drainage.
Allumpore ...	15th mile of the Hooghly Left Embankment (24-Parganas).	61	1914	47,479	3	5'×6'. Floor level -8·50 M.S.L.	This sluice is for drainage of an area of 13¼ square miles comprised within the villages of Allumpore, Chandpore, Satgachia, Bansberia, Charkigatta, Sonapur, Nandakhali, Domgaria Dhancheberia, Houri, Rausut, Bakhara, Goumandi, Makalia, Ramnagar, Jakiberia and Sauca. The sluice is of masonry and has 3 vents 5' × 6' each. Each vent is provided with 2 sets of shutters, viz., one wooden draw shutter, worked by screw gear, on the country side, and another wooden hinged flap shutter which is self-acting.
Goredoho ...	2nd mile of the Peali Left Embankment, village Goredoho (24-Parganas)	88	1913	9,389	1	3'-6" × 4'. Floor level - 5·00 M.S.L.	This sluice is of brick masonry having one vent, 3'-6" × 4', fitted with 2 sets of shutters, viz., one wooden draw shutter on the country side, worked by screw gear, and one W.I. plate framed, hinged, self-acting shutter on the river side, which closes when the river level is higher than the level in the inner channel. This sluice is for drainage of an area of about 2½ square miles comprised within the villages of Jaikishennagore, Audilpore, Sakra and Goredoho in 24-Parganas.

Name of sluice	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Size of vents	REMARKS
Kola Drainage Sluice.	[illegible] mile of [illegible] [illegible] (District Midnapore).	[illegible]	1917	1[illegible]	1	5' × 5'-6". Floor level [illegible] M.S.L.	This is a masonry sluice for drainage of an area of about [illegible] square miles comprised within the villages of Kola [illegible], [illegible], Milnakri, [illegible], [illegible], Madargachi, [illegible], [illegible], Teghory, [illegible], Arab, Dashari, [illegible], [illegible], Parat, [illegible], [illegible]nadananker, Gobindachak, [illegible], Khetrahat, [illegible], Pathar-Dharampur, [illegible], Balkisorpur, Gojai, [illegible]chandrapur, Kholasihi, [illegible] Purba, Jadupur, [illegible]anandapur, Koyadangi, Aurachak [illegible]tar, Sangram [illegible], Durgama, Jnada Dakhin, [illegible]bar, Narandchak, [illegible], [illegible]bonisasan, [illegible], Ananda, Jagannathpur, [illegible], Kerpat, Gopalnagar, [illegible], Machgrimdakhin, Anhottar, Kolar, [illegible], Gopalpur, Mohotpore, Simulbanda, Naranda and Kanakpur. The sluice is also used for irrigation, [illegible] only one vent, 5' × 5'-6", with a floor level of –4·00. It is provided with 2 sets of shutters, viz., one W.I. plate framed draw shutter on the country side, worked by screw gear, and a second self-acting [illegible] shutter of W. I. plate on the river side.
[illegible]hamaya ...	On the [illegible] river (District 24-Parganas, Sundarbans).	...	1916-17	1,45,407	5	5' × 6'. Floor level –4·00 M.S.L.	This is a masonry sluice having 5 vents, 5' × 6', with two sets of shutters, viz., one set of W.I. plate [illegible] draw shutters on the country side, worked by screw gear, and a second set of [illegible] self-acting [illegible] shutters on the river side. This sluice is for drainage of an area of 37 square miles, which includes the following [illegible] important [illegible] others — [illegible]ur, Bist[illegible], [illegible], Khari, Kasi [illegible] [illegible]ohamaya. This [illegible] precisely in a [illegible] embankment

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Hunger-strike by *détenus* in the Alipore Jail.

XXII. (*a*) Is it a fact that certain *détenus* or other inmates of the Alipore Central Jail have recently gone on a hunger-strike?

(*b*) If so, will the Government be pleased to state the causes thereof, and what steps are being taken in connection therewith?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) The Hon'ble Member is referred to the answer given to unstarred question No. XX."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

A recent political trial at Dacca.

XXIII. (*a*) With reference to the recent trial of Profulla Ranjan Ray and Satish Chandra Sinha at Dacca, by Special Commissioners under the Defence of India Act, will the Government be pleased to state the reasons for the change of the place of trial from the Sessions Court at Dacca to the new Secretariat Building at Ramna?

(*b*) When was the said change decided upon and by whom? When was the defence pleader informed about it; and when did the trial commence?

(*c*) In affecting the said change did the authorities take into consideration the convenience or inconvenience of the defence?

(*d*) Was any application made by the defence stating the inconvenience it was put to by the said change, and asking for an adjournment to enable it to move Government for cancellation of the orders in this behalf?

(*e*) Is it a fact that the defence were at first refused copies of all papers, including the list of prosecution witnesses, and that an application for the same was rejected by the Special Commissioners?

(*f*) Is it a fact that copies of some papers and the list of witnesses were not given to the defence pleader until he actually wanted to retire from the case?

(*g*) Will the Government be pleased to consider the desirability of engaging pleaders at the expense of the Government for the defence of such persons tried under the Defence of India Act as are unable to meet the expenses of their own defence?

Answer by the Hon'ble MR. KERR :—

"(*a*), (*b*) and (*c*) The place of trial was decided in consultation with Government; the Secretariat Building was selected in order to secure more complete protection of the witnesses.

(*d*), (*e*) and (*f*) Government have no information on these points which refer to the judicial proceedings of the Commission.

(*g*) Government are not prepared to consider this suggestion."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Judgment of Special Commissioners in political trials.

XXIV. (*a*) Is it a fact that in the case of Satish Chandra Sinha who was convicted by a judgment of the majority of the special Commissioners, the non-official Commissioner disagreed with the majority?

(*b*) In how many instances up to date has the non-official Commissioner dissented from the majority of the Special Commissioners?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) Government have no further information than appears in the judgments themselves. Government have not yet received the judgment in the case of Satish Chandra Sinha."

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXV. (*a*) Are the *détenus* permitted to send any representations or complaints direct to the Additional Secretary or other higher officials? **Representation by *détenus*.**

(*b*) If not, are the Government considering the desirability of permitting such applications to be sent direct to these officials?

(*c*) Has any subordinate official any discretion in the matter of either forwarding or withholding such communications?

(*d*) Are the Government aware of the impression in the public mind that such communications do not sometimes reach their destination?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) *Détenus* are permitted to send representations or complaints direct to the Additional Secretary subject to the usual censorship over their correspondence

(*c*) The answer is in the negative.

(*d*) Government are not aware of the existence of such an impression for which there appears to be no foundation "

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXVI. (*a*) What is the lowest rank of police officers authorised to record statements of *détenus*, and at what places and what hour are such statements usually recorded? **Recording of statement of *détenus*.**

(*b*) Is there any rule requiring the presence of higher police officers at the time of recording such statements? If so, of what rank?

(*c*) Are such statements usually recorded during the period of detention of persons under rule 12 A of the Defence of India Rules?

(*d*) Is it a fact that the arrested persons are taken away several times in each case from their place of temporary detention, under rule 12 A to the office of the " S.B." or " I B." of the Criminal Investigation Department in Calcutta for the purpose of making such statements?

(*e*) Are the Government aware of the general impression in the public mind that these persons are subjected, at the said office, to various kinds of torture unless they make these statements?

Answer by the Hon'ble MR. KERR :—

" (*a*), (*b*) and (*c*) Statements of persons arrested under rule 12 A are recorded by officers of all ranks, from Superintendents to Sub-Inspectors. They are recorded sometimes in the home of the person arrested, sometimes in the jail and sometimes in the Police office. There is no rule prescribing the attendance of superior officers, but in fact they are frequently present.

(*d*) Under the authority of Government a person detained in a jail under rule 12 A is sometimes taken to the offices of the Criminal Investigation Department in Calcutta for the purposes of the inquiry.

(*e*) Government cannot say whether there is any such general impression; they can only say that there is no foundation for it."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXVII. With reference to the statement made at the last meeting of the Legislative Council that " there is no surveillance over a *détenu* after the order of internment has been cancelled, except that any conditions specially attached to the order of cancellation must be obeyed ", will the Government **Surveillance over *détenus***

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be pleased to state what steps, if any, were taken by the authorities to assure themselves that the three conditions on which Sachindra Das Gupta is stated to have been set at liberty were obeyed by him, namely,—

"(a) not to associate with any political movement;
(b) not to knowingly associate with any suspicious character; and
(c) to remain loyal"

(as stated in answer to one of my questions at the last meeting)?

Answer by the Hon'ble MR. KERR :—

" No special steps were taken to ascertain whether Sachindra Das Gupta was carrying out the undertaking he had signed."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Petition of the late Haridas Das.

XXVIII. With reference to the statement made at the last meeting of the Legislative Council that the petition addressed by Haridas on the 8th July was handed over to the Puthia Police on the 9th, and forwarded to the Superintendent of Police, but that it was not put up for orders till the 19th July, will the Government be pleased to make a statement showing, date by date, since the 9th July, as to—

(i) when the petition was forwarded by the Puthia Police;
(ii) when it reached the office of the Superintendent of Police;
(iii) where and how the Superintendent of Police was engaged from the date of the arrival of the petition at his office till the 19th; and
(iv) the nature and duration of the illness of the Superintendent of Police, which is stated to have prevented the petition being put up for orders?

Answer by the Hon'ble MR. KERR :—

" Government are not in possession of any further information beyond that already given."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Petition of the late Haridas Das.

XXIX. (a) With reference to the petition addressed by Haridas on the 14th asking for an advance of money, will the Government be pleased to state the reason why it reached Puthia thana on the 17th?

(b) Did the Puthia Police take any notice of the statements made therein?

(c) What was the reason for the Sub-Inspector of Police and the Head Constable paying visits to Haridas on two consecutive days, namely, the 17th and 18th July?

(d) Had the Sub-Inspector of Police or the Head-Constable any talk with Haridas regarding the statements made in his petition, dated the 14th, on either of these two days of their visit? If so, what was its nature?

(e) Was it any part of the duty of the Sub-Inspector of Police or any other officer at Puthia to make any inquiry in regard to these statements?

Answer by the Hon'ble MR. KERR :—

" Government are not in possession of any further information beyond that already given."

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXX. (*a*) With regard to the statement that Haridas's servant "undertook to cater for Haridas if the Inspector guaranteed payment," and that "this was done," will the Government be pleased to state where and when this arrangement was made, and for what reasons? A deceased *détenu's* servant.

(*b*) For how long was this arrangement continued, and how much was the servant paid in pursuance thereof?

(*c*) Did the servant refuse to cater for Haridas at any time, and was any representation made orally by Haridas, before the said arrangement was made?

(*d*) What is the name and address of the said servant?

Answer by the Hon'ble MR. KERR :—

"The arrangement was made to meet the possibility of Haridas running out of funds before the grant of an allowance for which he had not applied at the time of his death. The name of the servant was Bonamali Das. Government have no further information on the subject."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXXI. (*a*) With reference to the statement that the remains of Haridas were consigned to the Ganges, will the Government be pleased to state whether it is the usual practice in that part of the country thus to dispose of any unclaimed body after *post-mortem* examination? Disposal of the remains of a deceased *détenu*.

(*b*) If not, why was this course adopted in this case?

Answer by the Hon'ble MR. KERR :—

"(*a*) The answer is in the affirmative."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXXII. (*a*) Will the Government be pleased to make a statement giving the name, age, and period of detention undergone, of each inmate of the jails in the Presidency of Bengal, who has been treated, or kept under observation, for mental derangement during the last six months? Treatment of mentally deranged prisoners.

(*b*) In which of these instances were the persons kept in solitary cells, and for what periods were they so kept, previous to such treatment or observation?

(*c*) How and where are each of these persons being treated now?

Answer by the Hon'ble MR. KERR :—

"During the last six months inmates of different jails in the Presidency were under observation for mental derangement for varying periods. Eventually these men have been, or will be, disposed of by the orders passed in their individual cases. The Governor in Council considers that no useful purpose would be served by the supply of the further details asked for, but if the Hon'ble Member desires information regarding any individual case he should refer particulars of it to the Secretariat."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Promotion of members of the Provincial Judicial Service.

XXXIII. (*a*) Will the Government be pleased to state the principle governing the promotion of the members of the Provincial Judicial Service?

(*b*) Will the Government be pleased to state whether the quality or quantity of work is taken into consideration in deciding whether any particular member of the Provincial Judicial Service is efficient or not?

(*c*) Is there any prescribed mode of judging the quality of the work done by the members of the Provincial Judicial Service? If so, what is that mode?

(*d*) Is there any circular issued by the Hon'ble High Court or the Government which insists upon any particular outturn of judicial work by the members of the Provincial Judicial Service?

(*e*) Is it a fact that there is a feeling of competition amongst the said members about the quantity of work done by them and that this has seriously affected the quality of their work?

Answer by the Hon'ble MR. KERR :—

"(*a*) The Hon'ble Member is referred to the answer given to the Hon'ble Mr. Z. R. Zahid Suhrawardy at the meeting of the Bengal Legislative Council on the 13th December, 1916, on the same subject.

(*b*) The quality of an officer's work is the main consideration. As between officers doing work of equal merit, consistent and unexplained deficiency in quantity is an element necessarily taken into account.

(*c*) No.

(*d*) No.

(*e*) Neither the Government nor the High Court can speak as to the feeling of competition. There is no reason to believe that there has been any falling off in the quality of the work done."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Damage of crops by insect pests.

XXXIV. (*a*) Will the Government be pleased to state whether any attempt has been made to ascertain the total value of the crops damaged by insect pests?

(*b*). If so, what is the total loss?

(*c*) What steps, if any, have been taken by the Agricultural Department in regard to these insect pests?

(*d*) Is there any truth in the statement that the Agricultural Department does not possess sufficient knowledge and staff to deal with these pests?

(*e*) Is it also true that the Agricultural Department has so far done nothing in this direction and that the present Divisional Officers of that Department have given no help in any case of outbreak of insect pests?

(*f*) Is it in the contemplation of Government to employ special investigating officers to deal with the whole matter?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (*a*) No.

(*b*) The information is not available.

(*c*) The officers of the Agricultural Department visit the places where insect pests make their appearance, and suggest and demonstrate remedial measures. The expert officers of the department visited 35 localities in 1916-17 in this connection. The Economic Botanist is now engaged in testing the practical value of suggested remedies for insect pests and in investigating plant pests in general, in order to discover effective remedies.

(*d*) The allegation is not correct. The Department of Agriculture, like other scientific departments, does not claim to possess a complete knowledge of the subjects which it is investigating: an increase of staff would facilitate investigation, but an increase of the staff of other branches of the department is considered by Government to be more urgently required.

(*e*) It is not true that the Agricultural Department has done nothing with regard to insect pests or that the Divisional Officers have given no help. Particulars of the assistance given will be found in the annual report of the department, which will shortly be published.

(*f*) Government employ an Entomological Collector who investigates insect pests."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXXV. (*a*) Do the Agricultural Department take an annual survey of the ufra tract with a view to ascertain the progress of the disease—its appearance and re-appearance over certain tracts? Annual survey of ufra tract.

(*b*) Will the Government be pleased to state the way in which the special annual grant of the Government of India, in this connection, is being spent in Bengal?

(*c*) Is any experiment of any description conducted in Tippera and Noakhali?

(*d*) Is there any special officer of the Department appointed to look after the disease?

(*e*) Is so, where are his headquarters?

(*f*) How long has he been engaged and what has been the result of his investigations?

(*g*) Have the Government considered the desirability of training an Indian either here or in foreign countries, who will make a special study of insects and ufra?

Answer by the Hon'ble MR. KERR :—

" (*a*) A survey of the ufra-infected tract in Dacca district was conducted in 1915-16, and of the tracts in Bakarganj and Faridpur districts in 1916-17. No annual survey takes place, but observations are taken of the spread of the disease and of its relative intensity in different years.

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(*b*) The Government of India have made no special annual grant for the treatment of ufra.

(*c*) Yes.

(*d*) The Mycological Collector is principally employed in studying ufra: he works under the supervision of the Imperial Mycologist at Pusa, who is devoting special attention to this disease.

(*e*) The headquarters of the Mycological Collector are at Dacca.

(*f*) The Mycological Collector was appointed eight years ago. For detailed information as regards the present state of investigations the Hon'ble Member is referred to the report which will shortly be published.

(*g*) Government already employ Indian officers who have been trained in Entomology and Mycology on the study of insects and of ufra. It has recently been decided that for the present the entomological and mycological work of Bengal can be suitably controlled from Pusa, with the reservation that a special officer may be required for a time in connection with ufra."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Damage done by Ufra in certain districts.

XXXVI. (*a*) Will the Government be pleased to state the total damage done by Ufra in the districts of Tippera, Noakhali and Dacca since 1913?

(*b*) If this information is not readily available, will the Government be pleased to lay the same on the table at a subsequent meeting of the Council?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) The information is not available, nor are there materials for obtaining it."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Agricultural officers in Bengal.

XXXVII. (*a*) Will the Government be pleased to state the names of the officers of the Agricultural Department in Bengal, in the Imperial, Provincial and Subordinate Services, and state their educational attainments, period of their service, the pay of the grade to which they belong and their present salary?

(*b*) To what grades, if any, do the scientific assistants of the experts belong, and what are the names of such officers and their educational attainments?

Answer by the Hon'ble MR. KERR :—

"(*a*) A statement containing the information is laid on the table.

(*b*) The assistants of the expert officers of the Agricultural Department are on a time-scale pay of Rs. 100 rising by annual increments of Rs. 10 to containing their names and educational attainments is laid on the table."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. KERR *to question No. XXXVII(a), (unstarred) asked by the Hon'ble* BABU AKHIL CHANDRA DATTA *at the Council Meeting of the 18th December, 1917.*

IMPERIAL SERVICE.

	Name of Officers.	Educational attainments.	Period of service.	Pay of the grade.	Present salary.
			YRS.	Rs.	Rs.
	Mr. S. Milligan	M.A., B.Sc.,	12	1,500	1,500
2.	" F. Smith	B.Sc.	12	500—50—1,000	1,000
3.	" K. McLean	B.Sc.	3	......	460
4.	" R. S. Finlow ...	B.Sc.	13	500—50—1,000	1,000
5	" H. E. Annett ...	B.Sc	10	500—50—1,000	750
6.	" G. P. Hector ...	M.A., B.Sc.	9	500—50—1,000	800

PROVINCIAL SERVICE.

	Name of Officers.	Educational attainments.	Period of service.	Pay of the grade.	Present salary.
1.	Babu Jatindra Nath Chakrabarty.	B. A. (Cal.), M. S. A. (Cornell, U. S. A.)	9	200—400	350
	Rajeswar Das Gupta, now officiating for K. McLean (No. 3 above.)	Completed Higher Agrl. Course at Shibpur.	13	200—400	250
3.	Dwijadas Datta ...	B. Sc. (Cal.), M. S. A. (Cornell, U. S. A.).	4	200—400	230
4.	Nagendra Nath Gupta	B. A. (Cal), B. Sc. (Edin.) ...	4	200—400	230
5.	Jadu Nath Sarkar ...	M. S. A. (Japan)	3	200—400	220
6.	Hari Prasad Mitra ...	M. S. A. (Cornell, U. S. A.) ...	3	200—400	220

SUBORDINATE SERVICE.

	Name of Officers.	Educational attainments.	Period of service.	Pay of the grade.	Present salary.
1.	Babu Jamini Kumar Biswas, now officiating for R. D. Gupta (No. 2 above).	Diploma in Agriculture, Shibpur	14	100—5—200	200
2.	" Hara Kumar Guha ...	Nil	26	100—5—200	150
3.	" Bhabatosh Datta ...	Certificate in Agriculture, Shibpur.	16	"	125
4.	" Sachindra Krishna Datta	B. Ag. (Poona)	5	"	115
5	Mr. P. G. Krishnan ...	Diploma in Agriculture (Madras).	15	"	105
6.	Babu Satindra Lal Sen Gupta	Trained in the Dacca and Pusa Farms.	10	"	105
7.	" Benod Lal Mukerji ...	B.Ag. (Poona)	5	"	105
8.	" Santi Prasad Sen ...	B.Ag. (Poona)	3	"	105
9.	" Debendra Nath Mitra ...	Diploma in Agriculture (Sabour)	3	"	100
10.	" Surendra Nath Sen ...	B.Ag. (Nagpur)	3	"	100
11	" Kali Das Roy ...	Certificate in Agriculture (Shibpur).	16	"	190
12.	" Tara Nath Roy, appointed as Field Assistant to Mr. Finlow.	Diploma in Agriculture (Shibpur).	10	"	125
	" Sujote Nath Chatterji (Offg.)				
13.	" Chooni Lal Mustafi ...	Certificate in Agriculture (Shibpur).	15	"	125
14.	Amrita Lal Some ...	Trained in Mycology at Pusa....	8	50—2½—100	60
15.	Prafulla Chandra Sen ...	Trained in Entomology at Pusa	11	"	65

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. KERR *to question No. XXXVII (b) asked by the Hon'ble* BABU AKHIL CHANDRA DATTA *at the Council Meeting of the 18th December, 1917, showing the names of the Assistants of the Expert Officers of the Agricultural Department and their educational attainments.*

Babu Gosto Bihari Pal. M.Sc.	First Laboratory Assistant to Agricultural Chemist.
Babu Indu Bhusan Chatterji. Licentiate in Agriculture (Nagpur).	Second Laboratory Assistant.
Babu Surendra Nath Bose, Holder of diploma in Leather Chemistry (Leeds University).	Third Laboratory Assistant.
Babu Nirmal Chandra Basu, M.Sc. ...	Laboratory Assistant to Fibre Expert.
" Tara Nath Roy, Diploma in Higher Agriculture, Shibpur.	Field Assistant to Fibre Expert.
Mr. S. G. Saragapani. B. Ag. ...	Laboratory Assistant to Economical Botanist.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

American trained agricultural students.

XXXVIII. (*a*) Did the Government send a number of passed students of the Sibpur Agricultural College to America?

(*b*) If so, are the Government in a position to say how these students are at present engaged?

(*c*) Are they in Government service?

(*d*) If so, in what capacities are they serving the Government?

(*e*) Will the Government be pleased to give a detailed statement of those employed in their service at present in this connection, showing—

(*i*) the grades to which they have been appointed in Bengal;

(*ii*) in what lines they have specialised in foreign countries and whether they are engaged in these lines; and

(*iii*) the nature of the work entrusted to them?

(*f*) Have they got sufficient training to continue the work of the experts when the latter go on leave?

(*g*) If not, are the Government taking steps to educate them up to it?

Answer by the Hon'ble MR. KERR :—

" (*a*) Eight such students were sent to America between 1904 and 1907.

(*b*), (*c*) and (*d*) Most of them are now employed in the Agricultural Departments of Bengal and of Bihar and Orissa.

(*e*) Mr. J. N. Chakrabarty, Mr. D. Datta and Mr. H. P. Mitra are employed as Divisional Superintendents of Agriculture in Bengal on pay of Rs. 200—400. Mr. Chakrabarty has specialised in Agronomy and Dairying: Mr. Datta in plant-breeding and Horticulture, and Mr. Mitra in plant-breeding: they are not now employed as specialists.

Questions and Answers.

(*f*) and (*g*) Government have not as yet thought fit to appoint any of these three officers to officiate for officers of the Imperial Service when the latter have been absent on leave: academic qualifications are not the sole tests of fitness: Government do not contemplate taking any steps to improve their academic qualifications."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXIX. (*a*) Is there any truth in the report that Mr. S. Milligan, the present Director of Agriculture, Bengal, is shortly going to vacate his appointment? Rumoured retirement of the Director of Agriculture.

(*b*) If so, will the Government be pleased to state the circumstances relating to his change of office?

Answer by the Hon'ble MR. KERR :—

" (*a*) Yes.

(*b*) When Mr. Milligan was appointed to officiate as Director of Agriculture, Bengal, he was allowed to retain a lien on his post of Imperial Agriculturist at Pusa. He desires to revert to his permanent post and he will do so as soon as arrangements have been made for the appointment of his successor."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XL. (*a*) Are the Government in a position to state the present retail price of salt in the different districts of Bengal? Manufacture and price of salt.

(*b*) Will the Government be pleased to state what the approximate cost of manufacture of salt is in Bengal under existing circumstances?

(*c*) Are the Government considering the desirability of directing an inquiry into how far the manufacture of salt in Bengal may tend to reduce the prices in the local salt market?

(*d*) With reference to the memorandum by the Government of Bengal dated the 5th April, 1917, regarding the manufacture of salt in Bengal, will the Government be pleased to state whether any inquiry has been made as to the suitability of brine obtainable on the Chittagong side of the Bay of Bengal?

(*e*) Are the Government considering the desirability of making an inquiry as to the particular facilities for the manufacture of salt on the Chittagong side?

Answer by the Hon'ble MR. DONALD :—

" (*a*) The Hon'ble Member is referred to the prices-current of food-grains, salt, etc., for the last half of November 1917, published in the Supplement to the *Calcutta Gazette* of the 12th December, 1917. A statement giving the prices on the 15th December is laid on the table.

(*b*) No calculations have been made as to the cost of manufacture, and no approximate figure can be given.

Questions and Answers.

(c) The answer is in the negative. Madras salt is available in large quantities at prices lower than that of imported salt, which is the article ordinarily consumed, but there appears to be little disposition on the part of the public to have recourse to it.

(d) The possibilities of manufacture on the Chittagong side of the Bay of Bengal have been brought to the notice of Government. Suitable brine is said to be obtainable at Cox's Bazar and to the south, but a difficulty exists in the lack of easy communications to that area, while labour may not be readily available. It may be added in this connection that Government have ascertained that there is no immediate fear of any shortage of imported salt."

Statement showing the quantity of Salt available per rupee in seers in the different districts of Bengal on the 15th December, 1917.

Division	Districts and Marts.	Quantity per rupee in seers. SRS.	CH.
	24-Parganas.		
Presidency	Chetla Hat	6	6
	Magra Hat	6	6
	Calcutta-Belliaghata	6	6
	Nadia.		
	Goari	8	0
	Ranaghat	8	0
	Murshidabad.		
	Berhampur	6	6
	Kandi	6	6
	Jangipur	6	6
	Jessore.		
	Sadar	7	2
	Bangaon	7	2
	Khulna.		
	Sadar	6	8
	Bagerhat	6	0
	Burdwan.		
Burdwan	Sadar	6	6
	Kalna	6	6
	Birbhum.		
	Suri	8	0
	Rampur Hat	8	0
	Bankura.		
	Sadar	8	0
	Vishnupur	8	0
	Midnapore.		
	Sadar	5	5
	Contai	5	8
	Hooghly.		
	Sadar	5	0
	Arambagh	5	0

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XLIII. (*a*) Is it a fact that the *Calcutta Gazette* is supplied free of cost to certain newspapers, while the free supply is denied to others? Supply of the *Calcutta Gazette.*

(*b*) On what principle is such distinction made?

(*c*) Will the Government be pleased to make a statement giving the names of newspapers that receive the free supply of the *Calcutta Gazette*?

Answer by the Hon'ble MR. DONALD :—

"(*a*) Yes.

(*b*) No definite principle has been laid down. As a general rule each paper is considered on its merits and with reference to its circulation. Recent applications for the free supply of the *Gazette* have been refused owing to the shortage of paper.

(*c*) A statement giving the names of the papers which are supplied with the *Gazette*, free of cost, is laid on the table. The question of the revision of the list is under consideration."

Statement giving the names of the newspapers which are supplied with the Calcutta Gazette *free of cost.*

Names.	Addresses.
(1) "Calcutta Weekly Notes"	Calcutta.
(2) "Capital"	Do.
(3) "Bangabasi"	Do.
(4) "Hitavadi"	Do.
(5) "Sanjibani"	Do.
(6) "Indian and Eastern Engineer"	Do.
(7) "Indian Mirror"	Do.
(8) "Indian Medical Gazette"	Do.
(9) "Amrita Bazar Patrika"	Do.
(10) "Musalman"	Do.
(11) "Bengalee"	Do.
(12) "Indian Planters' Gazette"	Do.
(13) "Moslem Hitaishi"	Do.
(14) "Bharat Mitra"	Do.
(15) "Hindoo Patriot"	Do.
(16) "Pioneer"	Allahabad.
(17) "Herald"	Dacca.
(18) "Siksha Samachar"	Do.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XLIV. (*a*) Is it a fact that in October last a representation was made to His Excellency the Governor over the signatures of Sir K. G. Gupta, Mr. S. C. Mukerjee, I.C.S., and other members of the Darjeeling Brahmo Samaj praying for the removal of the fish market from the immediate vicinity of the Darjeeling Brahmo Church? Brahmo Samaj Church in Darjeeling.

(*b*) Is it also a fact that a similar petition was submitted to the Commissioner of the Rajshahi Division?

Questions and Answers.

(*c*) Is it a fact that while no action has, up till now, been taken on the said petition, a masonry receptacle for depositing the refuse of the stalls, just in front of the ladies' entrance to the Church, is actually under construction?

(*d*) Are the Government aware that as a result of the above action of the Darjeeling Municipality, the local Brahmos have been obliged to discontinue holding their prayers in the Brahmo Church for nearly three months?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Yes.

(*b*) Yes.

(*c*) It is not a fact that no action has been taken on the petition. Instructions have been issued to the Commissioner of the Rajshahi Division in Municipal Department letter No. 2143 M., dated the 29th November, 1917, of which a copy is laid on the table. Government has no information as to the construction of a masonry receptacle.

(*d*) It is understood that the services at the Brahmo Church have been discontinued."

Copy of Municipal Department letter No. 2143M., dated the 29th November, 1917, to the Commissioner of the Rajshahi Division.

WITH reference to the correspondence ending with your memorandum No. $\frac{6190\text{-G}}{\text{XLVII-41}}$, dated the 31st July 1917, I am directed to forward, in original, for favour of disposal by you in consultation with the Deputy Commissioner, Darjeeling, the enclosed memorial from Sir K. G. Gupta and others, protesting against the use of the new structure on the east of Brahmo Mandir in the Darjeeling Bazar for the purposes of a fish market.

2. It appears that the fish market is a source of nuisance to the members of the Brahmo Samaj attending the Mandir and that in consequence of it Sunday services have had to be stopped. I am therefore to suggest that steps may be taken to bring about some means of relief by negotiations between the Samaj authorities and the Municipality, and in the last resort only by action under section 63 of the Bengal Municipal Act.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Civil suits in Tangail.

XLV. (*a*) Will the Government be pleased to make a statement showing the number of—

(*i*) rent suits;
(*ii*) title suits; and
(*iii*) money suits

that were instituted and disposed of in each of the last five years by each of the Munsiffs in Tangail?

(*b*) What was the total number of working days of the Munsiffs during each of the last five years?

(*c*) Is it a fact that at present only one Munsiff is working at Tangail in place of three?

(*d*) If so, is this reduction proportionate to a corresponding falling off in the number of cases instituted?

(*e*) Are the Government aware of any expressed grievance against the way the work is managed by the present Munsiff at Tangail?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) Statements furnishing the information are laid on the table.

(*c*) Yes.

(*d*) Since 1914 there has been a large falling off in title suits, which has permitted of the temporary deputation of one Munsiff to Netrakona and one to Jamalpur.

(*e*) No."

Questions and Answers.

Division.	Districts and Marts.	Quantity per rupee in seers. Srs.	Ch.
	Howrah.		
	Sadar	6	6
	Uluberia	5	5
	Rajshahi		
Rajshahi	Rampur-Boalia	7	2
	Nator	7	2
	Dinajpur.		
	Dinajpur	6	6
	Jalpaiguri.		
	Jalpaiguri	6	6
	Darjeeling.		
	Sadar	5	5
	Siliguri	5	5
	Rangpur.		
	Sadar	6	6
	Nilphamari	6	0
	Bogra.		
	Bogra	6	6
	Pabna.		
	Sadar	6	0
	Sirajganj	5	8
	Malda.		
	Sadar	4	0
	Dacca.		
Dacca	Sadar	5	5
	Narayanganj	6	0
	Mymensingh.		
	Nasirabad	6	6
	Netrokona	5	5
	Faridpur.		
	Sadar	5	5
	Goalundo	5	5
	Bakarganj.		
	Barisal	5	5
	Pirojpur	5	5
	Tippera.		
Chittagong	Comilla	5	5
	Chandpur	6	6
	Noakhali.		
	Sadar	5	5
	Feni Hat	5	5
	Chittagong.		
	Sadar	5	0
	Cox's Bazar	5	0

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Students' fees in Government schools and colleges.

XLI. Will the Government be pleased to make a statement showing for the last ten years, fees of students of schools and colleges under Government control?

Answer by the Hon'ble MR. O'MALLEY :—

" A statement in regard to colleges is laid on the table. Government regret that they are unable to give similar information in regard to schools, as the compilation of the figures would involve an undue amount of labour."

Statement showing for the last 10 years the monthly fees paid by students of Government Colleges.

Name of Colleges.	1908-09.	1909-10.	1910-11 to 1915-16.	1916-17.	1917-18.
	Rs.	Rs.	Rs.	Rs.	Rs.
Presidency College	12	12	12	12	12
Hooghly "	6	6	6	6	6
Krishnagar "	5	5	5	5	6
Sanskrit "	5	5	5	5	6
Dacca "	6	6	6	6	6
Chittagong "	3	4	4	4	6
Rajshahi "	3	3	4	4	6
Bethune "	3	3	3	3	3
Sibpur Civil Engineering College (Intermediate students).	10	10	10	10	10
Sibpur Civil Engineering College (B. E. students).	10	15	15	15	15
Medical College	96 per annum.	96 per annum.	96 per annum	125 per annum.	125 per annum.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Ground-nut industry in Bengal.

XLII. (*a*) Are the Government in a position to give any information regarding the prospects of the ground-nut industry in Bengal?

(*b*) Are the Government aware of any experiment made in ground-nut cultivation in Bengal?

(*c*) If so, what are the results?

Answer by the Hon'ble MR. KERR :—

" (*a*) Yes.

(*b*) The crop has been under experimental observation in Bengal for some years by the Agricultural Department.

(*c*) The cultivation of ground-nuts has met with some success in the districts of Birbhum and Bankura and the area shows a tendency to expand. The chief difficulty lies in harvesting the nuts, which have to be dug out of the ground. The crop is suitable for high lands and is capable of yielding up to 20 maunds per acre of unhulled nuts. The ground-nut crop in some parts of India has been subject to serious disease which has been partly met by the growing of disease-resisting varieties. Up to date no serious outbreak has been reported in Bengal. Until disease has, however, made its appearance and been successfully combated, or until further evidence has been adduced to indicate that the crop in Bengal may be considered reasonably safe from the more virulent diseases, it would be premature to assume that the industry will ultimately prove an economic success in the Presidency."

Questions and Answers.

Statement A.

YEAR.	Total institutions of rent, title and money suits. (Separate classification not available).		DISPOSED OF— Rent suits.	Title suits.	Money suits.
	Tangail 1st Court.		Rs.	Rs.	Rs.
1912 ...	Original	1697	398	438	605
	Small Cause Court ...	1302	...	...	1,115
1913 ...	Original	1599	281	416	352
	Small Cause Court ...	1727	...	...	1.977
1914 ...	Original	1590	388	358	326
	Small Cause Court ...	1143	...	...	1,347
1915 ...	Original	1003	498	320	340
	Small Cause Court ...	1041	...	...	983
1916 ...	Original	1548	930	341	515
	Small Cause Court ...	1279	...	...	1,221
	Tangail 2nd Court.				
1912 ...	Original	1580	355	416	479
	Small Cause Court ...	1927	...	...	1,965
1913 ...	Original	1541	242	507	321
	Small Cause Court ...	1259	...	...	1.231
1914 ...	Original	1377	373	353	355
	Small Cause Court ...	1221	...	...	1,240
1915 ...	Original	807	402	284	309
	Small Cause Court ...	1360	...	...	1.225
1916 ...	Original	1328	926	342	614
	Small Cause Court ...	1799	...	...	2,045
	Tangail 3rd Court.				
1912 ...	Original	...	24	49	53
1913 ...	Ditto	...	263	356	617
1914 ...	Ditto	409	365	237	507
1915 ...	Ditto	1207	497	374	500
1916 ...	Ditto	1128	222	185	308

Questions and Answers.

STATEMENT B.

Year.	Number of working days.
1912	223
1913	224
1914	221
1915	221
1916	222

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :-

Looting of salt and cloth from markets and *hâts.*

XLVI. Will the Government be pleased to make a statement showing the number of loots of salt and cloth in the markets and *hâts* of the different districts of the Presidency during the last three months?

Answer by the Hon'ble MR. DONALD :—

" The following statement gives the number of looting cases reported up to the morning of the 17th December :—

Bakarganj	4
Bogra	4
Dacca	3
Dinajpur	3
Faridpur	2
Jessore	5
Mymensingh	3
Noakhali	13
Pabna	2
Rajshahi	1
Rangpur	14
Tippera	1
Total	55

It will be seen that the figures are largest in the Noakhali and Rangpur districts, and in both of these special preventive measures are being taken."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Inspection of the Dacca School of Engineering.

XLVII. Is it a fact that the Principal, Dacca College, under whose supervision the Dacca School of Engineering has been placed, has not been able to make any official or unofficial inspection of the school up till now?

Answer by the Hon'ble MR. O'MALLEY :—

" The Principal of the Dacca College is also the Principal of the Dacca School of Engineering, and as such does not inspect it in any formal way. He visits the institution frequently and is in constant communication and consultation with the Head Master regarding business matters and the general control and efficiency of the school."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XLVIII. (*a*) Is it a fact that, unlike other institutions of its kind, *e.g.*, the Calcutta Commercial Institution, the Dacca School of Engineering has got no definite status of its own? Status of the Dacca School of Engineering.

(*b*) Is it a fact that in some respects it is treated as a college and in other respects as a school?

(*c*) Is it a fact that many of the theoretical subjects taught in the Dacca School of Engineering are on a par with those of the B.Sc. course of the Calcutta University.

(*d*) Is it a fact that the subjects taught in the Dacca School of Engineering are much higher than those prescribed for secondary education?

(*e*) Is it a fact that in the Calcutta Commercial Institution, which has got the status of a college, the admission test is much lower than that prescribed for the Dacca School of Engineering?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) The Hon'ble Member is referred to the reply to the next clause of his question.

(*b*) Yes.

(*c*) Government are advised that the standard up to which the theoretical subjects are generally taught is not so high as that of the B.Sc. course.

(*d*) Yes.

(*e*) Candidates who have passed the Matriculation Examination or any other examination held to be equivalent to it are eligible for admission to the day course of the Government Commercial Institute, Calcutta. Candidates who have attended the lectures in the day course are eligible for admission to the evening course. Others are admitted, both to the day course and to the evening course, if they satisfy the Education Department, by passing a preliminary test examination, that they have sufficient general education to enable them to derive advantage from the lectures.

Candidates for admission to the Dacca School of Engineering must have passed either—

(1) the Matriculation Examination of an Indian University or Standard VII of the Code for European Schools, or

(2) the B Final Examination, or

(3) the Sub-Overseer Examination from any affiliated technical school."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XLIX. (*a*) Is it a fact that the teachers of the Calcutta Commercial Institution are designated as Lecturers and are beyond the operations of Circular No. $\frac{5A}{7P-20-16}$, dated Calcutta, the 9th January, 1917, of the Director of Public Instruction, Bengal? Teachers of the Dacca School of Engineering.

Questions and Answers.

(*b*) Are the Government aware that on account of the provisions of the circular referred to in clause (*a*) the graduate teachers of the Dacca School of Engineering, who have reached or are on the point of reaching the highest grade fixed, feel that their future prospects have been ruined as they have no chance of securing the Assistant Head Mastership of this Institution or the Head Mastership of any High School under the Government?

(*c*) Is it a fact that the Head Master of the above school is in the Indian Educational Service, while the Assistant Head Master, a B.A., B.E., is still in the Subordinate Service?

(*d*) Is it true that the Assistant Head Master is not given the allowance which is granted to Assistant Head Masters of Government High Schools?

Answer by the Hon'ble MR O'MALLEY —

"(*a*) Teachers of the Calcutta Commerical Institute are designated Lecturers. Circular No $\frac{114}{7P-30A-17}$, dated the 11th May, 1917, to which the Hon'ble Member presumably refers, does not apply to them.

(*b*) Government are not aware of such a feeling. The orders regarding promotion to different classes of the Subordinate Educational Service, which were issued with the circular above referred to, provide that officers holding lower posts can be transferred to higher posts provided they are competent to fill them.

(*c*) Yes.

(*d*) Yes"

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI —

Technical Examination Board and the Dacca School of Engineering.

L. (*a*) Will the Government be pleased to state whether the Inspector of the Joint Technical Examination Board has inspected the Dacca School of Engineering within the last five years?

(*b*) If so, will the Government be pleased to publish his recommendations?

(*c*) What effect has been given to those recommendations, if any?

Answer by the Hon'ble MR O'MALLEY.—

"(*a*) There is no post of Inspector of the Joint Technical Examination Board: that body deputes one or more officers to inspect technical institutions on its behalf. An inspection of the Dacca School of Engineering was made in February, 1915, by Mr. C. P Walsh, then Superintending Engineer, Eastern Circle, and Mr. B. Heaton, Principal, Civil Engineering College, Sibpur. An inspection of the electrical and mechanical branch of the school was made in December, 1914, by Mr. W. H. Everett, Offg. Superintendent of Industries and Inspector of Technical Institutions, and Mr. A. K. Taylor, Electrical Engineer in charge of the Calcutta Electrical Division of the Public Works Department.

(*b*) An extract from the inspection note of Mr. Walsh and Mr. Heaton is laid on the table, together with an extract from the inspection note of Mr Everett and Mr. Taylor.

(*c*) Sanction was given to the affiliation of the school to the full upper subordinate standard of the Board in civil engineering for five years from 1915-16, and in mechanical and electrical engineering from 1913-14 to 1915-16. Subsequently orders were passed that the teaching of the mechanical and electrical branch of the overseer course should be discontinued with effect from the 1st April, 1916."

Questions and Answers.

Extract from a note on an inspection of the Dacca School of Engineering made by Messrs. C. P. Walsh, Superintending Engineer, Eastern Circle, and B. Heaton, Principal, Civil Engineering College, Sibpur, on behalf of the Joint Technical Examination Board, on Monday and Tuesday, 8th and 9th February, 1915.

WE recommend that the Government of Bengal may grant affiliation to the Dacca School of Engineering up to the full standard of the Board in Civil Engineering for a period of five years from the date of expiry of the last order. That the attention of Government be drawn to the following proposals :—

(1) To separate the school from the Dacca College and to style the Head Master "Principal".

(2) To constitute a governing body with functions similar to that of the Sibpur College.

(3) To fix for three years a consolidated grant for contingencies and for the repairs of the workshop buildings and to entrust its administration to the governing body.

(4) To the suggested strengthening and re-arrangement of the teaching staff.

(5) To the case of the Head Clerk.

(6) To the reduction of the numbers of reduced freeships at Sibpur and to the creation of four stipends yearly of Rs. 10, to enable poor students to attend the Dacca School of Engineering.

(7) To the granting of travelling allowance to the staff and students, so as to enable instructions in practical surveying to be carried out under canvas in a suitable locality.

(8) To the provision of furniture for the Science class-rooms, drawing boards and cement testing machines.

(9) To minor items of equipment required for the workshops.

Extract from a note on an inspection of the Electrical and Mechanical Branch, Dacca School of Engineering, made by Messrs. W. H. Everett and A. K. Taylor, on the 9th and 10th December, 1914.

As matters now stand we recommend : (1) that the present mechanical and electrical course at Dacca be terminated as soon as this can be done—the present third year students (four only in number) being accommodated at Sibpur; (2) that the electrical laboratory be abolished and the staff transferred to Sibpur, where we understand extra help is required to cope with the rapidly increasing numbers in this branch. The Mechanics' laboratory should remain, as this will still be required for students of the ordinary Civil Engineering course. The school may be recommended for temporary affiliation in this branch for the overseer examination of 1915.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LI. (*a*) Will the Government be pleased to state what are the exact duties and functions of Mr. Everett, Secretary to the Joint Technical Examination Board? Secretary to the Joint Technical Examination Board.

(*b*) What pay and allowance does he receive?

(*c*) Will the Government be pleased to make a statement showing the number of inspections that he made of the different institutions under his control during 1914-15 and 1916-17?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"(a) Mr. Everett is Officiating Superintendent of Industries and Inspector of Technical and Industrial Institutions for Bengal as well as Secretary to the Joint Technical Examination Board. His chief duties are to inspect technical institutions, to advise the Director of Public Instruction on technical and industrial education and to keep in touch with the industrial development of the Presidency. As Secretary to the Joint Technical Examination Board, he attends the Board's meeting and records the proceedings, conducts their correspondence and discharges other secretariat duties, such as arranging for the Overseer and Sub-Overseer examinations, notifying the results and issuing certificates to successful candidates.

(b) The Hon'ble Member is referred to pages 280 and 281 of the Quarterly Civil List for Bengal corrected up to 1st April, 1917

(c) The information is not available"

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI —

Commencement of Apprentice Department Session in Sibpur College

LII. (a) Is it true that the Government have permitted the Sibpur College authorities to commence the session of the Apprentice Department in November every year?

(b) Are the Government aware that only Matriculates are allowed to be admitted in the Apprentice Department and that the result of the Matriculation Examination is usually published in June?

Answer by the Hon'ble MR O'MALLEY .—

"(a) Yes The date was changed to November, because candidates delay submitting applications for admission until after the Matriculation Examination results are published, with the result that the first year class cannot be formed till July and the work cannot be got into full swing before the vacation, which starts in August and lasts till November

(b) Most of the Indian candidates admitted into the College are Matriculates The Matriculation results are usually published in June."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Sibpur College and the Dacca School of Engineering.

LIII. Are the Government aware that in the Sibpur Civil Engineering College, Apprentice Department, 5th year boys and artisans are given stipends on much higher scales than those granted to 5th year boys and artisans of the Dacca School of Engineering?

Answer by the Hon'ble MR O'MALLEY :—

"Yes"

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Grievances of certain Bethune College students.

LIV. (a) Is it a fact that certain students of the Bethune College, who passed the Matriculation Examination this year, and were admitted on the date of the re-opening of the College, viz., on the 26th November, are being required to pay board and lodging charges for the months of August, September and October and 25 days in November?

(b) If so, are the Government considering the desirability of directing the said authorities to cancel the rule under which this order was made, and to refund the money already realised?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) An annual hostel fee is charged to students residing in the College hostel: it is payable in 12 monthly instalments of Rs. 11 each. This year it has been decided to meet the situation due to the late date of publication of the Matriculation results by charging—

(*i*) a maintenance fee of Rs. 2 for each of the months, August, September and October, and

(*ii*) Rs. 11 monthly for the rest of the year.

August is, by order of the University authorities, regarded as the commencement of the current academical year for first year students.

(*b*) No money has yet been realised, except for the month of November. The amounts already paid will not be refunded."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

LV. Will the Government be pleased to lay on the table a statement showing the names of all firms and persons against whom action has been taken under the Calcutta Municipal (Amendment) Act, 1917, since that Act came into force, giving their addresses and the punishment inflicted on them for the adulteration of *ghee*?

Prosecutions for *ghee* adulteration under Ben. Act I of 1917.

Answer by the Hon'ble MR. O'MALLEY :—

" A statement is laid on the table."

Names and addresses of persons and firms against whom action has been taken from the 13th September, 1917 (the date of the passing of the Calcutta Municipal Amendment Act, 1917) up to the 30th November, 1917, and the punishment inflicted.

Name of firm or person.	Address of place of business.	Action taken and result.
Prosecutions under section 495A for the selling, storing for sale, etc., of adulterated ghee.		
Wholesale dealers.		
Jit Sing and Nilambar Pandit	111, Cotton Street ...	Prosecuted; case pending in court.
Rash Behary Karuri and Kunja Behary Das	90, Burtolla Street and 13, Doyahatta Street.	Prosecuted; four cases pending in court.
Golap Lall and Sohan Lall of firm of Lachmi Pat Jain Baburam ...	21, Burtolla Street ...	Prosecuted; fined Rs. 300.
Pramatha Pal of firm of Mahananda Datta ...	65, Strand Road ...	Fined Rs. 200.

Questions and Answers.

Name of firm or person.	Address of place of business.	Action taken and result.
Wholesale dealers.		
Nandalal Karuri ...	107, Darmahatta Street	Prosecuted; two cases pending in court.
G. V. Ratnam ...	103, ditto ...	Prosecuted; four cases pending in court.
Arjundas Daulatram ...	153-1, Cotton Street ...	Prosecuted; case pending in court.
Bisoonath Sreemany ...	1, Meerbahar Ghat Street.	Ditto ditto.
Retail vendors.		
Brajo Gopal Moitra ...	104, Upper Circular Road.	Ditto ditto.
N. C. Biswas ...	215, Cornwallis Street	Ditto ditto.
Nilkamal Pal ...	207-1, ditto ...	Ditto ditto.
Ratan Ch. Sadhukhan	1, Nandan Bagan Street	Ditto ditto.
Gosto Behari Sadhukhan	112, Grey Street ...	Ditto ditto.
Surendra Nath Sadhukhan.	84-1, ditto ...	Ditto ditto.
Kangali Charan Bakali	13, Halsibagan Road ...	Ditto ditto.
Surendra Nath Dey ...	365, Upper Chitpur Road.	Ditto ditto.
Atul K. Bhattacharjea	8-1, Ram Kumar Rakhit Lane.	Ditto ditto.
Sreekissen Jatemall ...	53, Cotton Street ...	Ditto ditto.
Surendra Nath Kundu	28, Raja's Chowk (godown) and 58, Clive Street (shop).	Prosecuted; two cases pending in court.
Surya Kumar Pramanick	53, Harrison Road ...	Three prosecutions were instituted, but the cases were struck off as the accused closed his shop and absconded.
Sukumar Das Gupta ...	College Street Market	Prosecuted; case pending in court.
Abhay Pado Dey and others.	58-1, Wellington Street	Ditto ditto.
Bala Bakash ...	40, Wellesley Street ...	Ditto ditto.
Tara Chand Ghosh ...	17, Convent Lane ...	Ditto ditto.
Budusha	Kali Bazar, Kidderpore	Fined Rs. 99.
Ram Kristo Sadhukhan	Ditto ditto ...	Prosecuted; case pending in court.
Anantha Kumar Mythi	Ditto ditto ...	Ditto ditto.
Narayan Shaw ...	Babu Bazar, Kidderpore.	Ditto ditto.
Satish Ch. Kumar ...	Kalighat Market ...	Ditto ditto.
Uma Charan Biswas ...	133-1, Kalighat Road	Prosecuted; two cases pending in court.

Prosecutions under section 495B for keeping adulterants in ghee shops and godowns.

Surendra Nath Kundu ...	28, Raja's Chowk	Prosecuted for keeping 50 tins of ground-nut oil; case pending in court.

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origin, but they are of long antiquity. My information is evidently not correct. I thought that 'Hadis,' or 'Haris', as they are called in Eastern Bengal, were meant.

In that case I beg to withdraw my amendment."

The motion was then, by leave of the President, withdrawn.

(Amendment No. II (*ii*).)

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved that the word "Kochs" in line 11 of sub-section (2) of section 49A be omitted.

He said :—

"My Lord, Kochs in Bengal are naturalised, and I understand that the Hon'ble Mr. Cumming is also of the opinion that the Kochs should be included with certain restrictions; some insertion should be made so that it may be restricted to the Dacca Division only, and refer only to persons who are of Garo origin. My idea is that there may be some difficulty even in Eastern Bengal. I think it should be omitted altogether. If there are in Eastern Bengal—and I am not aware of it—some who are recent settlers there coming from the Garo tract, some restrictions may be made. So far as I know Kochs exist in different parts of Bengal; they came here long ago, even if they are aboriginals. If the Kochs are included then the Rajbansis should be also included, because there is no very great distinction between the Kochs and the Rajbansis. I think the 'Kochs' should be omitted altogether."

The Hon'ble MR. CUMMING said :—

"Sir, in view of the Hon'ble Member's amendment that the word 'Kochs' should be omitted, I propose to make an amendment which, I think, would meet his wishes, *namely*, that the term should refer only to those of that tribe who are in Eastern Bengal. Eastern Bengal officers have themselves recommended that the Kochs of that area should be included; and I think that the Hon'ble Member's idea was primarily obtained from the report of Mr. McAlpin who at first said that he thought that the Kochs were too advanced to be classed as aborigines, but who subsequently informed me that the Kochs of Eastern Bengal should be included. I therefore object to the omission of the word 'Kochs' altogether."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"If the Members coming from Eastern Bengal have no objection, I have no objection to accepting the amendment proposed, but I think that only the Dacca Division should be included. With that restriction my motion may be accepted."

The PRESIDENT said :—

"The Hon'ble Member in charge of the Bill proposes to move that amendment if the Hon'ble Member will withdraw his own."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"In that case, I withdraw my amendment."

The motion was then, by leave of the President, withdrawn.

(Amendment No. III.)

The following motion was also held to be withdrawn :—

The Hon'ble Kumar Shib Shekhareswar Ray to move that the word "Kochs" in line 11 of sub-section (2) of section 49A be omitted.

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(Amendment No. I (*I*).)

The Hon'ble MR. CUMMING moved that after the word "Kochs" in line 11 of sub-section (2) of section 49A, the brackets and words "(Dacca Division)" be inserted.

He said :—

"Sir, for the reasons which I have already given, I propose to move the amendment."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My Lord, it seems to me that both the words 'Bakarganj District' after the words 'Maghs' and the words 'Dacca Division' after the words 'Kochs' are unnecessary, and ought not to be there for the simple reason that we need not specify territories where those people may be. The Maghs in Bakarganj may remove to the neighbouring districts of Faridpur, and if they do so, there is no reason why they should not enjoy the protection which has been granted to Maghs in Bakarganj. I do not know why they should be at a disadvantage when they remove to any other place. Consequently the territorial distinction ought not to be there; wherever they may be they should have the rights and privileges conferred by the proposed legislation. As far as the words 'Dacca Division' are concerned, I know that there are no Kochs in the districts of Faridpur and Barisal, but I do not know whether they may not be found in Mymensingh and Dacca. However, in the view I have expressed, I hope that both the words 'Bakarganj' and 'Dacca Division' will be removed so that these privileges may be enjoyed by these specified tribes wherever they may be."

The motion was put and agreed to.

(Amendment No. I (*II*).)

The Hon'ble MR. CUMMING moved that for the word "Bakarganj" in line 12 of sub-section (2) of section 49A, the words "Bakarganj District" be substituted.

He said :—

"Sir, this is purely formal and would be in harmony with the addition which has already been made regarding the Kochs."

The motion was put and agreed to.

(Amendment No. I (*III*).)

The Hon'ble MR. CUMMING moved that the words "and allied castes or tribes" in lines 13 and 14 of sub-section (2) of section 49A be omitted.

He said :—

"Sir, the Hon'ble Babu Kishori Mohan Chaudhuri has a similar motion. Objection has been made, and I think, with some reason, that as we have tried to meet the opinions which have been given, by inserting a definite statement in the Bill of those whom Government hold to be aboriginals, we should not go back and insert an indefinite phrase like 'allied castes and tribes.' I am, therefore, prepared to withdraw that part of the clause from the Bill."

The motion was put and agreed to.

Questions and Answers.

Seizure and destruction of adulterated ghee.

Name of firm or person.	Address of place of business.	Action taken and result.
Abinash Ch. Kundu ...	39, Beadon Row ...	Small quantities aggregating 14 seers were destroyed at these places.
Gauri Sankar ...	125, Upper Chitpur Road.	
Surendra Nath Sadhukhan.	84-1, Grey Street ...	
Harish Chandra Nandy	295, Upper Circular Road.	
Rajani Kanto Sett ...	113-1, Manicktolla Street.	
Surendra Nath Kundu ...	28, Raja's Chowk (godown) and 58, Clive Street.	Three and a half maunds were destroyed.
Baktar Mull Modi ...	26, Cotton Street ...	894 tins (*i.e.*, 450 maunds) were seized and the Magistrate has ordered their destruction.
Tara Chand Ghosh ...	17, Convent Road ...	35 seers were destroyed.'

Prosecution under section 507 for refusing to sell samples.

Chunilal Ghosh ...	22, Darmahatta Street	Prosecuted; case pending in court.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

LVI. Will the Government be pleased to lay on the table a statement showing the amount actually realised on account of road and public works cesses from the districts of Hooghly (figures for Howrah may be given separately, if possible), Bankura, Midnapore, Birbhum and Burdwan during the last five years? Road and public works cesses in certain districts.

Answer by the Hon'ble MR. O'MALLEY :—

" A statement is laid on the table."

*Statement showing the amounts actually realised on account of road and public works cesses in the Burdwan Division during the last five years.**

Districts.	1913-14.	1914-15.	1915-16.	1916-17.
	Rs.	Rs.	Rs.	Rs.
Burdwan	4,07,530	5,31,374	5,26,681	6,24,326
Birbhum	1,65,199	1,57,134	1,64,718	1,53,717
Bankura	1,12,284	1,16,228	1,03,038	1,10,273
Midnapore	4,07,322	4,12,109	4,05,255	4,10,805
Hooghly	2,22,188	2,16,042	2,14,328	2,11,652
Howrah	1,11,094	1,08,021	1,00,541	1,05,726

* *N.B.*—These figures include interest on arrear cesses.

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LIST OF BUSINESS—ITEM No. 2.

THE BENGAL TENANCY (AMENDMENT) BILL, 1917.

The Hon'ble MR. CUMMING moved that the Report of the Select Committee on the Bengal Tenancy (Amendment) Bill, 1917, be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. CUMMING said :—

"With your permission, Sir, I wish to make a further formal motion at this stage, *namely*, that the clauses be now considered for settlement in the form recommended by the Select Committee."

The PRESIDENT said :—

"May I explain to Hon'ble Members that this is purely formal and a necessary motion? The Bill has been altered in the Select Committee and we now desire to take into consideration the Bill as amended by the Select Committee."

The motion was put and agreed to.

The PRESIDENT said :—

"There will be some small alterations in the order in which the amendments are taken. Some of the amendments are not strictly in their correct order. The first amendment that will be taken up is the amendment proposed by the Hon'ble Babu Kishori Mohan Chaudhuri to omit the word "Hadis" in section 49A. That will be taken up first."

AMENDMENTS TO THE BILL.

(Amendment No. II (*1*).)

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved that the word "Hadis" in line 10 of sub-section (*2*) of section 49A be omitted.

He said :—

"My Lord, I think that the word 'Hadis' should be omitted whether they are taken as 'Hadis' or 'Haris' practically so far as Bengal is concerned they are naturalised. There are in Eastern Bengal persons who are called 'Hadis' practically carrying on the same profession as 'Haris' in Northern and Western Bengal too. In that case they should not be taken as aboriginals. I therefore propose that the word 'Hadis' should be omitted."

The Hon'ble MR. CUMMING said :—

"Sir, my opinion is that the Hon'ble Member seems to be under a misapprehension. I think he is referring to certain 'Hadis' in Northern Bengal, but as explained in the letter of the Director of Land Records which is included in the opinions which are before the Council, it was stated that these 'Hadis' are of Garo origin in Eastern Bengal; and it is to them that the Bill is intended to refer."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, of course my information is that in Eastern Bengal there is another class of persons who are called 'Hadis' who might be of Garo

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(Amendment No. II (III).)

The following motion was then held to be withdrawn :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that the words "allied castes or tribes" in lines 13 and 14 of sub-section (2) of section 49A be omitted.

(Amendment Nos. IV and V.)

The PRESIDENT said :—

"Amendments marked 4 and 5, proposed section 49E, deal with the same point. The Hon'ble Member whose names stands first on the agenda paper will move his amendment first."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved that for the words "under his own cultivation" in line 5 of section 49E, the words "in his possession" be substituted.

He said :—

"My Lord, in section 49E, line 5, we have the words 'under his own cultivation' with reference to the aboriginal tenure-holder, raiyat or under tenure-holder who does not necessarily cultivate his own land, and if you are to give the power to mortgage property to them, an aboriginal tenant, then by using the words 'under his own cultivation' you restrict his right to mortgage. I do not think that this was the intention of the framers of the Bill, and I believe that it was an oversight, and I therefore suggest that in line 5, the words 'in his possession' be substituted for the words 'under his own cultivation.' This includes direct as well as indirect possession."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that for the words under his own cultivation" in line 5 of section 49E, the words "held by him" be substituted.

He said :—

"My Lord, following in the footsteps of my learned friend Rai Debender Chunder Ghose Bahadur, I will go a step further and, to remove all ambiguity, ask that the words 'held by him' be substituted for the words 'under his own cultivation.' In fact the Government probably do not want to restrict the usufructuary mortgages simply to land immediately in the cultivation of an aboriginal. The expression 'in his possession,' as suggested by my hon'ble friend, may also be liable to misconstruction as to the meaning of the word 'possession' whether it is khas possession or indirect possession, so that to remove all doubts and difficulties, the words 'held by him' are necessary. In fact there may be many tenure-holders who have not an inch of ground under his own cultivation; the section proposes to give him the right of usufructuary mortgage be tenure-holders also, and in such a case the tenure-holder would be deprived of the advantage given by section 49E. So I think the words 'held by him' would cover both the intention of the framers of the Bill as well as the intention of my hon'ble friend. It is also a very comprehensive term and cannot lead to any misconception or misunderstanding."

The Hon'ble MR. CUMMING said :—

"Sir, far from this being unintentional and far from failing to carry out the intentions of the framers of the Bill, it is the very opposite; it is deliberately intended. The amendment proposed is a very dangerous one; it is

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intended that a person holding land through raiyats should not be allowed to mortgage, because, if he does so, the mortgagee would become the landlord over his raiyats, and the very evils which this Bill is intended to combat would come into being. Anyone who has studied the literature on the subject realises how the disintegration of these Sonthal villages has been continuous and that this is one of the methods by which this disintegration is produced. I therefore object to the amendment which strikes at the very root of the intention of the framers of the Bill."

The Hon'ble Rai Debender Chunder Ghose's motion was then put and lost.

The Hon'ble Babu Ambika Charan Mazumdar's motion was then put to the vote.

A division was taken with the following result:—

Ayes—8.

The Hon'ble Dr. Nilratan Sarkar.
" " " Deba Prasad Sarbadhikari, C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " " Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " " Mahendra Nath Ray, C.I.E.
" " " Kishori Mohan Chaudhuri.
" " " Ambika Charan Mazumdar.

Noes—30.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " " Satyendra Prasanna Sinha, KT.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Surgeon-General W. R. Edwards, C.B., C.M.G.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " " J. H. Kerr, C.S.I., C.I.E.
" " " J. Donald.
" " " L. S. S. O'Malley.
" " " F. A. A. Cowley.
" " " C. H. Bompas.
" " " W. C. Wordsworth.
" " " C. F. Payne.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. J. Mackenzie.
" " " W. H. H. Arden-Wood, C.I.E.
" " " Aminur Rahman.
" " Raja Hrishiskesh Laha, C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " " F. W. Carter, C.I.E.
" " Sir A. Birkmyre, KT.
" " Mr. E. B. Eden.
" " " E. A. Martin.
" " Maulvi Abul Kasem.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Babu Bhabendra Chandra Ray.
" " Rai Sri Nath Ray Bahadur.
" " Rai Mahendra Chandra Mitra Bahadur.

The following member abstained from voting, viz.:—
The Hon'ble Mr. Altaf Ali.

The following members were absent. :—
The Hon'ble Mr. T. C. P. Gibbons.
" " " E. B. H. Panton.
" " Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif Ali Mirza Khan Bahadur Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. R. Glen.
" " " Provash Chunder Mitter.
" " " H. R. A. Irwin.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Babu Akhil Chandra Datta.
" " Mr. K. B. Dutt.

The ayes being 8 and the noes 30, the motion was lost.

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(Amendment No. VI.)

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved that for the word "seven" in line 7 of section 49E, the word "nine" be substituted.

He said :—

"My Lord, this is a section which gives liberty to an aboriginal tenant to enter into an usufructuary mortgage with another person for a period of 7 years. It appears that when the Bill was originally framed, the period given was 9 years; when the Bill went to the Select Committee, the Select Committee found that in the Chota Nagpur Tenancy Act, Bengal Act I of 1908, the period given in such cases was 7 years, so, without giving any reason, they said that because it was 7 years in the Chota Nagpur Tenancy Act, therefore we must adopt the same period, *i.e.*, give 7 years as the maximum period of a usufructuary mortgage. Now this law is a law in continuance of the policy of this Government of making the rights of the less intelligent people of the country inalienable. They are improvident, extravagant and the State comes to their aid and says, 'Your rights, in your landed property, will not pass to another; if it passes, it must pass to some person of your class.' One of the earliest legislative enactments in this connection was the Punjab Alienation Act, and in that Act the period given in these matters, *i.e.*, usufructuary mortgage is 20 years. Similarly, when there was a regulation passed for the Ajmere tracts, the period given was 20 years, and I am told,—I am not speaking from first-hand experience,—that in the Central Provinces also the period is considerably longer. In this Bill as it was framed the period was 9 years. The Bill, as I understand it, was originally framed by Mr. McAlpin, who has an intimate acquaintance with the conditions of life of these aboriginals in several districts, and the Bill was introduced in Council by the Hon'ble Mr. Beatson Bell, who certainly was not wanting in knowledge of the conditions of life of these people. Under these circumstances, without any reason, any intelligible reason being given, except that the period of 7 years is given in the Chota Nagpur Tenancy Act, Sir, I would submit that it is not safe to make it so short as 7 years. We must remember that in the Chota Nagpur Division there is a very large community of aboriginals, and it is not so small as we find in other districts of Bengal proper. That being so, you can have as short a period as 7 years because there would be many more people willing to advance money on the security of landed property in Chota Nagpur than would be the case in Bengal, and therefore I submit that it would be well to give a little longer period as originally given in the Bill. Nine years is not very long, but still I bow to the opinion of the gentlemen who are responsible for the Bill as it was originally framed."

The Hon'ble MR. CUMMING said :—

"Sir, I think these are rather meticulous criticisms. The Hon'ble Member has referred to Mr. McAlpin who, he says very properly, was the author of this legislation. At the time when the Bill was under preparation I asked Mr. McAlpin why the period of 9 years had been fixed; unfortunately he could not tell me, and after much research it could not be found why 9 years had been fixed; and it was on his initiative that we agreed to bring the Bill in conformity with the period which is already in force in section 46 of the Chota Nagpur Tenancy Act. I therefore hold, Sir, that there is no good reason why 9 should be taken, while there is good reason why 7 should be taken. I think that the Council may, without apprehension, adopt the period that was adopted unanimously by the Select Committee."

The motion was then put and lost.

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(Amendment No. VII.)

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved that section 49E be numbered as sub-section (*1*) of that section and that the following be inserted after the proviso to that section, namely :—

"(*2*) An aboriginal tenant's power and right to mortgage shall be restricted to only one form of mortgage, namely, the usufructuary mortgage."

He said :—

"My Lord. I find that in this Bill there is a later provision, section 49K, which debars the Court from selling the right of the mortgagee for the satisfaction of the mortgage-debt, and if that be so, it comes to this that if a man enters into a mortgage and agrees to repay the debt after a certain period and mortgages his right to the land as security creditor they will be without a remedy so far as security is concerned if he goes to court, because the court will refuse to sell the secured land of the judgment-debtor, and pass only a personal decree. That being so, it would be much better to say in so many words, without leaving this question to be raised hereafter, that there will be only one form of mortgage, *i.e.*, usufructuary mortgage and no other form of mortgage. It will save litigation."

The Hon'ble MR. CUMMING said :—

"I cannot accept the correctness of the Hon'ble Member's argument that, while a simple mortgage is not forbidden, yet under section 49K the remedy for enforcing an usufructuary mortgage through the civil court is forbidden, but I am prepared to meet him. I should like to read his amendment in the following form, if he will accept this alteration :—

'An aboriginal tenant's power to mortgage his land shall be restricted to only one form of mortgage, namely, a complete usufructuary mortgage."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"I accept that."

The Hon'ble MR. CUMMING said :—

"Sir, I suggest that the amendment, as modified, be accepted."

The motion was put in the modified form and agreed to.

(Amendment No. VIII.)

Proposed Section 49F.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that after sub-section (*1*) of section 49F the following be added, namely :—

"Provided that the Collector shall not ordinarily withhold such permission in the case of an aboriginal tenure-holder applying to settle with a non-aboriginal person any hill or rock or other land within his tenure which may be wholly unfit for cultivation."

He said :—

'My Lord, the amendment which I have moved refers to section 49F. That section deals with leases, sub-leases and mortgages by aboriginals to various classes of people. It is provided that if he wants to do all these things

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he must go to the Collector to have his permission. That, no doubt protects, the aboriginal generally from letting out his land to a non-aboriginal to his own detriment, but it seems to me that there are certain classes of land which may be very usefully, I may say to the very best interests of the aboriginals, leased out to non-aboriginals. I have seen in many Sonthal Parganas districts where hills, rocks and other lands, wholly unfit for cultivation, have been let out to non-aboriginal persons to considerable advantage. These lands have long been useless to them, but to health-seekers and other people who want to build houses in these parts of the country, these rocks, hills and other lands, unfit for cultivation, are let at a very fair rent, and at the same time with a very fair bonus. We ought not to deprive the aboriginal tenure-holders or raiyats of these advantages. Of course Simultala and other places do not belong to Bengal now, but you may enquire of the Ghatwals of Telua or the Thakurs of Rohini. and you will find what advantages they have derived by letting out hills and rocks to other people which were perfectly useless to them before, and I think the objects of the Bill would be fully maintained if an additional advantage is given to the non-aboriginal tenure-holders and raiyats who has to let out lands which are wholly unfit for cultivation to non-aboriginals for purposes for which they themselves cannot use them, and with this view I move that this permission of the Collector shall not ordinarily be withheld in case an aboriginal tenure-holder applies for permission to settle with a non-aboriginal person land which is unfit for cultivation. I have used the word 'ordinarily' deliberately. I do not wish that the aboriginal tenure-holder should foolishly part with his land, which he may use for other purposes, and therefore when the Collector shall have to consider an application for settling land with other people made to him, he shall have an opportunity of considering whether it was a case in which permission ought or ought not to be granted for the benefit of the aboriginal. And, of course, if he finds an exceptional case he may withhold the permission. That is the object of this amendment, and I hope it will meet with the approval of Government."

The Hon'ble MR. CUMMING said :—

"SIR, the Hon'ble Member has prepared this amendment, as he says, in the interests of the aboriginals. My reply to that is that the clause as framed does not prohibit such a transfer; and if the Collector finds that it is to the interest of the aboriginals in such cases as the Hon'ble Member has mentioned, surely the Collector would be the very first to allow the transfer. But I go further and suggest that details of this nature seem rather out of order in legislation of this type. The underlying principle is that in certain classes of cases the aboriginal is not allowed to transfer of his own volition, but that he must get the permission of his Collector; and again I refer to the literature on the subject. The Sonthals say,—'We wish to be protected against ourselves; we wish that our power of transfer should be limited'; and I think that, if there is a transfer and if it is at all suitable in the interests of the aboriginals, the Collector would be the first to allow it to take place."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My Lord, it is with the object of giving the Collector some idea of the policy of the legislation that I want this amendment, and I fully understand that the Collector may grant permission in case of hills, rocks and so forth, but the amendment would give him an idea as to the policy which we are pursuing in framing this section, *i.e.*, in the case of hills, rocks, etc., the policy is to grant permission and not withhold it. The Collector may be misled. He may have his own ideas and opinions and he may refuse bodily all

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applications of that sort. To give him an idea as to what is the policy of the law, not to restrict the right of transfer in certain cases, that I have moved this amendment."

The motion was then put and lost.

(Amendment No. IX.)

Proposed Section 46 G.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved that the word "valid" be inserted after the words "shall be" in line 4 of section 49G, and the rest of the section beginning with the word "registered" and ending with the word "jurisdiction" be omitted.

He said :—

"My Lord, I understand that the framers of the Bill would not have it declared that any transaction in contravention of the provisions of this chapter shall be valid, and that it will be more effective if we were to tell the Registrar not to register any instrument or transaction in contravention of the provisions of this chapter. It is throwing a very great burden on the Registrar and unfortunately the Registration Department is the least educated in law. I think it would lead to considerable legal proceedings or proceeding before the Sub-Registrar and District Registrar and so on if you allow a provision like this to remain in the Statute Book. But if you say it will not be valid, I think it will answer your purpose. The registration of a document does not necessarily make it valid ; it is merely a help in the procedure before a court as regards evidence of the transaction and also as evidence of something of a transaction that happened at a certain time. If the transaction itself is invalid, is forbidden by law, I do not see why you should go out of your way and say that no Registrar shall register it. There is no harm if it is registered, nor is it necessary in a legislative enactment to say that it will not be valid for any purpose. I do not know whether if you say it will not be valid, whether it will be recognised as valid by any court, in the exercise of its criminal jurisdiction, though it may be some evidence of the commission of a crime. I do not know whether you can restrict the criminal court from looking into it, and therefore I say that the rest of the sentence is needless."

The Hon'ble MR. CUMMING said :—

"Sir, the Hon'ble Member bases his amendment, I apprehend, on two grounds : first as a matter of drafting and secondly as a matter of common sense. First as to the matter of drafting, if the Hon'ble Member's proposal were carried out, I ask him to consider what would be the difference between 49G and 49B, and I would further point out to him that the phrases to which he objects are contained in no fewer than three Acts. In the Chota Nagpur Act it is said that no transfer shall be registered or shall be in any way recognised as valid by any court whether in the exercise of civil, criminal or revenue jurisdiction. In the Punjab Alienation of Land Act it is stated that an instrument which contravenes any provision of this Act shall not be permitted to be registered, and in the Sonthal Parganas Settlement Regulation it is stated that no transfer or transaction in contravention of this Act shall be registered or shall be in any way recognised as valid in any court whether in the exercise of civil, criminal or revenue jurisdiction. I think, Sir, whether on the ground of common sense or on the ground of drafting the framers of the Bill had ample reason for making this addition."

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The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"My Lord, there is a preceding section 49C, which says that any transaction in contravention of the previous section will be invalid, and my objection is that part if not the whole of section 49G is redundant. It is not necessary, and the luxury of having the provision as regards registration and having a broad statement to the effect that no court in the exercise of any civil, criminal or revenue jurisdiction will recognise it, will not make this piece of legislation a work of art. If you use other words, if you put in redundant or unnecessary provisions, then one cannot admire the workmanship."

The motion was then put and lost.

(Amendment No. X—first part.)

The Hon'ble MR. CUMMING moved that after the word "continued" in line 6 of sub-section (*1*) of section 49H the words "or is" be inserted.

He said :—

"The object of this amendment is purely verbal. The wording of the clause is 'has continued,' but the idea of continuance is not correct with reference to the use of section 49F, and I therefore wish to add the words 'or is' after the word 'continued' in order to make the whole phrase logical."

The motion was put and agreed to.

(Amendment No. XI.)

The PRESIDENT addressing the Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"Does the Hon'ble Member wish to move his amendment?"

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"My proposed amendment will not now be necessary in view of the amendment which has been accepted."

The Hon'ble Member, accordingly, with the approval of the President, withdrew the following motion standing in his name—, namely, "that for the word 'or' in line 7 of sub-section (*1*) of section 49H the words 'or has been in possession in contravention of the provisions of' be substituted."

(Amendment No. X—second part.)

The Hon'ble MR. CUMMING then moved that after the figures and letter "49 F" in line 7 of sub-section (*1*) of section 49H the words "as the case may be" be inserted.

He said :—

"This again, Sir, is a matter of drafting. It is considered proper to make this addition if the first part of the amendment was accepted."

The motion was put and agreed to.

(Amendment No. XII.)

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved that for the word "ejection" at the end of proviso (*b*) to sub-section (*1*) of section 49H, the word "ejectment" be substituted.

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He said :—

"My Lord, 'ejection' is a good English word, but in this case of landlord and tenant the legal phraseology is 'ejectment.' I think, I am not wrong in saying that it is more usual to say 'ejectment' in place of 'ejection.'"

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"'Ejection' is a queer expression, although it may be good English, but I would use the word 'eviction' which I think is more appropriate."

The Hon'ble MR. CUMMING said :—

"I accept the Hon'ble Member's amendment and beg to thank him for pointing out the defect."

The motion was put and agreed to.

(Amendment No. XIV.)

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY moved that for the first two lines of sub-section (*2*) of section 49H the following be substituted, namely :—

"Within a month of passing an order under sub-section (*1*), the Collector shall either—".

He said :—

"My Lord, this is a small matter. A limitation of this kind is necessary because considerable delay may be caused in the Collector's office before the order is carried out and the land is disposed of in the manner prescribed. I therefore hope that my amendment will be accepted."

The Hon'ble MR. CUMMING said :—

Sir, I understand the Hon'ble Member to say that unless a limitation of this kind is imposed a considerable delay will occur in the Collector's office. I object to any limitation of this description. I think it unreasonable to bind the Collector to this period. Besides it is not inconceivable that the matter might never come up at all before the Collector within the prescribed period. It is rather unfair, and on general grounds it is unreasonable, to bind the Collector."

A division was then taken with the following result :—

Ayes—13.	*Noes—27.*
The Hon'ble Mr. Provash Chunder Mitter.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.	" " " Satyendra Prasanna Sinha, KT.
" " Kumar Shib Shekhareswar Ray.	" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Babu Brojendra Kishore Ray Chaudhuri.	" " Surgeon-General W. R. Edwards, C.B., C.M.G.
" " Mr. Arun Chandra Singha.	" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.	" " " J. H. Kerr, C.S.I., C.I.E.
" " Rai Debender Chunder Ghose Bahadur.	" " " J. Donald.
" " Rai Radha Charan Pal Bahadur.	" " " L. S. S. O'Malley.
" " Mr. Ashraf Ali Khan Chaudhuri.	" " " F. A. A. Cowley.
" " Babu Bhabendra Chandra Ray.	" " " C. H. Bompas.
" " Rai Srinath Ray Bahadur.	" " " W. C. Wordsworth.
" " Mr. K. B. Dutt.	" " " C. F. Payne.
" " Babu Kishori Mohan Chaudhuri.	" " " E. B. H. Panton.
	" " Rai Priya Nath Mukharji Bahadur, I.S.O.
	" " Mr. J. Mackenzie.
	" " " W. H. H. Arden-Wood, C.I.E.
	" " " Aminur Rahaman.
	" " Raja Hrishikesh Laha, C.I.E.
	" " Mr. F. W. Carter, C.I.E.
	" " Sir A. Birkmyre, KT.
	" " Mr. E. B. Eden.
	" " " E. A. Martin.
	" " Maulvi Abul Kasem.
	" " Khan Sahib Aman Ali.
	" " Rai Mahendra Chandra Mitra Bahadur.
	" " Babu Mahendra Nath Ray, C.I.E.
	" " " Ambika Charan Mazumdar.

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The President; Babu Ambika Charan Mazumdar; Rai Debender Chunder Ghose Bahadur.

The following members abstained from voting :—

The Hon'ble Dr. Nilratan Sarkar.
" " Maulvi A. K. Fazl-ul-Haq.
" " Babu Surendra Nath Ray.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons.
" " Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif 'Ali Mirza Khan Bahadur Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. R. Glen.
" " " H. R. A. Irwin.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Mr. Altaf Ali.
" " Babu Akhil Chandra Datta.

The ayes being 13 and the noes 27, the motion was lost.

(Amendments Nos. XIV, XV, XVI and XVII.)

The PRESIDENT said :—

"In the next amendment on the paper, the Hon'ble Member in charge of the Bill proposes to leave out the word 'heir' and to substitute the words 'heir or legal representative' for it. The amendment which appears after that on the paper stands in the name of the Hon'ble Rai Debender Chunder Ghose Bahadur, who proposes to leave out the word 'heir' altogether and substitute the words 'legal representative' for it. I shall therefore call upon him to move his amendment first."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My Lord, might I rise to a point of order and obtain Your Excellency's ruling? I think amendment No. XVI, which stands in my name, should precede both Nos. XIV and XV."

The PRESIDENT said :—

"I do not understand on what grounds the Hon'ble Member asks that his amendment should precede No. XV. The amendment will precede No. XIV, but I do not understand why it should precede No. XV."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"For this reason, my Lord, the amendment of the Hon'ble Mr. Cumming, No. XIV, is to add the words 'heir or legal representative' and amendment No. XV is also practically to that effect, but amendment No. XVI wants to eliminate the word 'heir' altogether and to substitute certain other words for it, so that if amendment No. XVI be carried it will not be necessary to move Nos. XIV and XV at all, but if amendments Nos. XIV and XV be carried, it will cancel No. XVI."

The PRESIDENT said :—

"I have already ruled to that effect. Amendment No. XV also proposes to leave out the word 'heir,' and there is no reason why Nos. XVI should precede No. XV."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved that in sub-section (2) of section 49H for the word "heir", in the two places where it occurs, the words "legal representative" be substituted.

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He said :—

"My Lord, as you recognise testamentary powers in aboriginals, it is just possible that on the death of an aboriginal, if he leaves a will which is proved, that his heir may not be the person to represent the estate. Somebody other than the heir may be his legal representative. An heir may be the legal representative, but not necessarily so; somebody else may also be the legal representative, and therefore I think that if the Collector or the person who has the disposing power is to find out the person to whom the possession of the property is to be given, and if he is not allowed any liberty in the matter, or if he has to find out the proper person to represent the estate, then the proper expression should be 'legal representative', which expression may include the heir, but not always so. As regards any other alteration, 'heir' or 'legal representative', of course that gives liberty to the disposing authority to select either the heir or the true legal representative who might not be the heir. That is my submission to the Council."

The Hon'ble MR. CUMMING said :—

"This is a matter of legal drafting; and in this case I am advised that although 'legal representative' might suitably be substituted for 'heir' it will be better to have both phrases. It is for this reason that my name is down for another amendment to that effect. But I appeal to Hon'ble Members that in actual practice in dealing with Sonthals the person who would first occur to the mind of the Collector if the aboriginal tenure-holder, raiyat or under-raiyat were not available, would be the heir of such person, failing a member of his own family. That being so, as a matter of practical politics I suggest that the word 'heir' be retained."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"I accept the Hon'ble Mr. Cumming's suggestion and I beg to withdraw my amendment."

The motion was then, by leave of the President, withdrawn.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that for the word "heir", in line 3 of clause (*a*) of sub-section (*2*) of section 49H, the words "son, daughter, wife or husband, as the Collector may think fit" be substituted.

He said :—

"My Lord, section 49H relates to eviction by the Collector in certain cases, that is to say, when a person comes into possession of any land in contravention of the provisions of the previous section, the Collector may evict him and restore the land to the transferee or his heirs. My objection is this. I do not want to cut down the power of the Collector; the word "heir" always implies a certain law under which this heirship is claimed. You cannot have an heir without some sort of jurisprudence to determine the heirship. As regards most of the aboriginals, they are neither Hindus nor Muhammadans. In certain tracts they are akin to the Muhammadans and in others they are akin to the Hindus, so that when the Collector shall have to determine an heir in the absence of a transferee, by what law is he to be guided? Will he come under the Hindu law or the Muhammadan law? I know that heirship is also determined by custom, but I think among these aboriginal tribes you cannot find a well-defined custom always prevailing, so that it will be very difficult for the Collector to find out the heir. Besides a man may turn up and say that he is the brother of the deceased and claim the property, and the Collector orders that the property be given to him. Then again someone else may turn up and say he is the son of the deceased. It would lead to interminable cases compelling the Collector to enquire into all sorts of

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questions of law and custom. The object of the present measure is this, as it appears to me, that when the Collector takes up the matter into his hands, the land should go first of all to the nearest kith and kin of the transferor and not to a non-aboriginal. That is the spirit. Now, it is not also a case of heirship because as soon as the tenant transferor has made the transfer he loses his right, he forfeits it. Then the legislature wants to come in and say, 'We shall have someone nearest to him.' It is not a case of heirship, it is only a case of aboriginal *versus* non-aboriginal. In that case, I believe the object of the law would be fully satisfied if we distinctly mention son, daughter, wife or husband, as the case may be, or as the Collector thinks fit. I propose to give a wider latitude to the Collector; he may give it to the son or to the daughter or to the wife, or in the case of the wife being the tenant to the husband; so that it is not a case of heirship under any law; in fact there being hardly any law which you can say determines the case of this aboriginal or that aboriginal. In these cases, the purposes of the law would be best served by specifying the relations to whom the property can be given. Otherwise, the landlord will be involved in frequent quarrels and litigations, which is, I believe, not the avowed object of the proposed legislation. I have mentioned the specific heirs to provide that he is not a non-aboriginal and also that he is one of the nearest kith and kin of the transferor. So instead of having the word 'heir,' which would bring in intricate questions of law and fact, it would be much better to define exactly to whom the Collector may give the property,—the son, daughter, wife or husband, as the Collector may think fit. I want to give a certain amount of discretion to the Collector. I have already said there is no question of heirship, because the right has been forfeited. It is the intention of the legislature to keep the lands in the hands of the aboriginals by declaring in favour of anyone who may be nearly related to the deceased. The introduction of the word 'heir' will give rise to difficulties and uncertainties which we ought to avoid."

The Hon'ble MR. PROVASH CHUNDER MITTER said :—

"My Lord, I desire to support this amendment. The object of this is to afford protection to the aboriginals, and I understand that that protection would be amply secured if you give the protection to the immediate heirs of that aboriginal, and the words 'son, daughter, wife or husband' will preclude a lot of artful supposed distant relations coming forward as heirs, and as indicated by my hon'ble friend, these aboriginals are governed by customary laws. Then the object of this legislation not being to give it to such persons, therefore these words I submit will serve that object fully, and therefore I support this amendment."

The Hon'ble MR. CUMMING said :—

"My Lord, I have listened to the remarks of the hon'ble gentlemen who have spoken. I appreciate their arguments. They both desire that the property should be retained in the Sonthal family. That, of course, is the object of the Bill, but, at the same time, I am advised by those who have knowledge of the practical working that there will be no difficulty if the word 'heir' be retained. However, as I have already stated, I am prepared in order to cover the cases of those who are not actually members of the family, to include Sonthals who are local representatives. One Hon'ble Member desires to restrict the Collector to this form, but I think it is neither wise nor necessary. I would only suggest to him—supposing the grandson were the heir, would he be precluded from receiving the property? I do not think so. I, therefore, advise the Council to retain the phrase in this more generic form."

The [illegible]

Mr. Bompas; [illegible] *Babu* [illegible] *Shekhareswar* [illegible]

The [illegible] said :—

"My Lord, [illegible] acquainted with the [illegible] Hon'ble Babu Ambika Charan Mazumdar that his [illegible] ed and that the [illegible] he purposes will not meet the [illegible] to [illegible] is no real difficulty in finding what the [illegible] particular [illegible] with whom the Magistrate has to deal. As a [illegible] fact, [illegible] Sonthals, it has been reduced to writing and [illegible] a whole [illegible] of case law. The difficulty, which he will fall into, if this [illegible] were adopted, is that he will compel the Collector to [illegible] to people who have no right to it. The object, I take it, is that if [illegible] in defiance of this law, abandons or transfers his holding, he [illegible] to the prejudice of his natural heir or the person who would, in due course otherwise, have succeeded him, and the Collector intervenes and restores that person who would in the natural course of events have succeeded to that holding. These words would, at any rate among the Sonthals, prevent the Collector from putting into an abandoned holding the former owner's natural successor. Among the Sonthals a daughter is not an heir; in the absence of a son, a brother is a prior heir; and in the natural course of events, if there are no sons or son's sons to the Sonthal, his brother and after him the brother's son would succeed. The Collector would be unable to do that simple act of justice. I am not aware of the tribal law prevailing among other races to which the Act may be applicable, but they may have other customs which also the Collector would be unable to give effect to if these four particular heirs and successors are mentioned and the Collector given no discretion."

The motion was put and lost.

The Hon'ble Mr. Cumming moved that in sub-section (2) of section 49H for the word "heir" in the two places where it occurs, the words "heir or legal representative" be substituted.

He said :—

"I now move the amendment which stands in my name. I need not elaborate the arguments already adduced, but ask the Council to accept this [illegible] as meeting the points that have been already raised in the debate."

The motion was put and agreed to.

(Amendment No. XVII.)

The following motion, by the Hon'ble Babu Ambika Charan Mazumdar was then held to be withdrawn, viz., that for the [illegible] in line 1 of clause (i) of sub-section (2) of section 49H, the words "son, daughter, wife or husband, as the case may be" be substituted.

(Amendment No. XVIII.)

The Hon'ble Kumar [illegible] Shekhareswar [illegible] such terms as he [illegible] in lines 7 and 8 of [illegible] (2) of section 49H be [illegible] that the [illegible] it was held before the [illegible] in line 6 of that clause.

He said :—

"This amendment [illegible] a settlement on [illegible] land, and that through [illegible] of this kind should be put on [illegible]"

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The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My Lord, I fully support this amendment. We have already made the Collector a zamindar without a zamindari. I think we ought not to make him an irresponsible zamindar. When the Collector settles the amount, he ought not to be allowed to settle on terms other than those which appertain to the original holding, and I think it is but just and reasonable that he should be confined to the terms incidental to the original holding and not to deviate from them either in the way of strictness or of laxity."

The Hon'ble MR. CUMMING said :—

"Sir, this amendment is proposed on the ground that it is intended to prevent the detriment of the landlord's interest. I think the Hon'ble Members who have spoken have overlooked the fact that this is a penalty clause, that the landlord has already had one year in which to exercise his rights, and that the Collector does not come in at all within this year. I put it to the Council whether it is unreasonable after that period to give the Collector such discretion as he thinks fit to exercise. I, therefore, oppose the amendment."

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said :—

"My Lord, it is quite possible that a holding may not be taken on the same terms, but a non-aboriginal may come forward and pay the same rate of rent. The zamindar has got six months' time."

The Hon'ble MR. CUMMING said :—

"No, he has got one year's time."

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said :—

"It does not matter, it may be one year, it only shows that he cannot get an aboriginal tenant to take the holding at the existing rent, but that is no reason why he should not settle the holding with a non-aboriginal. It was not the zamindar's fault that the holding was taken away from the occupier and made over to him for resettlement."

A division was then taken with the following result :—

Ayes—17.

The Hon'ble Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishore Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Mr. Ashraf Ali Khan Chaudhuri.
" " Babu Bhabendra Chandra Ray.
" " Mr. Altaf Ali.
" " Rai Srinath Ray Bahadur.
" " " Mahendra Chandra Mitra Bahadur.
" " Mr. K. B. Dutt.
" " Babu Kishori Mohan Chaudhuri.
" " " Ambika Charan Mazumdar.

Noes—21.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " " Satyendra Prasanna Sinha, KT.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Surgeon-General W. R. Edwards, C.B., C.M.G.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " " J. H. Kerr, C.S.I., C.I.E.
" " " L. S. S. O'Malley.
" " " F. A. A. Cowley.
" " " C. H. Bompas.
" " " W. C. Wordsworth.
" " " C. F. Payne.
" " " E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. J. Mackenzie.
" " " W. H. H. Arden-Wood, C.I.E.
" " " Aminur Rahman.
" " " F. W. Carter, C.I.E.
" " Sir A. Birkmyre, KT.
" " Maulvi Abul Kasem.
" " Khan Sahib Aman Ali.
" " Babu Mahendra Nath Ray, C.I.E.

The following members abstained from voting :-

The Hon'ble Dr. Nilratan Sarkar.
" " Mr. E. B. Eden.
" " " E. A. Martin.
" " Babu Surendra Nath Ray.
" " Maulvi A. K. Fazl-ul-Haq.

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The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons.
" " " J. Donald.
" " " Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif 'Ali Mirza Khan Bahadur Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.
" " " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. R. Glen.
" " " H. R. A. Irwin.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Babu Akhil Chandra Datta.

The ayes being 17 and the noes 21, the motion was lost.

(Amendment No. XIX.)

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that after sub-section (*2*) of section 49H the following be added, namely :—

"Provided that if the Collector restores the transferor to the possession of the transferred land, he shall order him either to refund the consideration money actually paid by the transferee or pay such compensation to him as may appear reasonable to the Collector under the circumstances of the case."

He said :—

"We have sufficiently safeguarded the interests of the aboriginals and we have gone so far as to lay down that if the transfer is in contravention of the provisions of this chapter, the Collector may turn out the transferee and restore the transferor to the possession of the transferred land or in his absence to his heir or legal representative. Now, Sir, it is a well-known maxim of law that no man ought to be allowed to derive the benefit of his own fraud. It is a mistake to suppose that aboriginals are so simple that we may not find simpler persons among non-aboriginals. If a person transfers his lands to a non-aboriginal and the Collector turns him out, is it not fair that he the transferor should also return the money which he has swallowed? If we do not provide a safeguard like that it might be said that we are putting a premium on fraud. I know some of these aboriginals to be very shrewd people, and in fact we should not be justified in presuming that the blame should be entirely on the side of the non-aboriginals. Both may be guilty or one may be more guilty than the other, and in these cases it is only just and fair that the money should be refunded by the transferor, and I have added further that it may not be the money actually paid; it may be some reasonable compensation. If the Collector thinks that the transferee is more to blame than the transferor he may give him a nominal compensation; if he thought the case was the reverse, he may give him the full compensation or the money actually paid, so that in any case he ought to compensate the transferee, whether in smaller or larger amounts it does not matter. It would be impolitic to allow an aboriginal to deal with his property in any manner he likes in contravention of this law, and then set the Collector in motion so that he may take the property as well as the money. It has often been said that one cannot be pardoned and yet retain the offence. I have not intentionally retained the words 'of the transfer' for this reason that the transferor may have misused the whole of the money obtained by him, and his legal heir or representative may not have got anything out of it, so that this proposal for granting compensation to the transferee should not be extended beyond the transferor himself, and it seems to me that there is no reason why the Collector should not be empowered to consider whether in each particular case the transferor was not to some extent blameable for the transfer. He evidently got the money, and the Collector ought to have the power

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to see whether he should go scot-free or whether he should pay something according to his complicity in the matter. I think it would not be good policy to allow the man to retain his land, and yet swallow all the money which he has received. I venture to submit that the Council will consider that it is not always the case that it is only a non-aboriginal trying to induce an aboriginal to enter into a transaction like this. I think it is fair that opportunity should be given to the Collector to decide whether he should be given compensation or not."

The Hon'ble MR. CUMMING said :—

"Sir, I object to this amendment. The Hon'ble Member will recollect that if a transfer is *ab initio* void, the Collector is trying to put it right. He first gives the landlord a chance of doing so, and then he takes action himself. The question for consideration is, I suggest, entirely alien to this, and I venture to think that an examination of this point would introduce many complications. At first sight it might appear that the aboriginal tenant had got the money in his pocket, and that all that ought to be done was to ask him to give it up, but in actual practice the consideration is probably the payment of some debt ; and if so, the Collector would have to examine the whole matter of the initiation of this debt. I therefore think that all this is alien to the object of the Bill. I, therefore, recommend to the Council that this amendment be not accepted."

The motion was then put and lost.

(Amendment No. XX.)

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that at the end of section 49H the following be added, namely :—

(*3*) Nothing in this section shall apply to or affect the right of an auction purchaser in a sale either under proviso (*a*) or proviso (*c*) to section 49K, whether he be an aboriginal or not ".

He said :—

"I move this amendment practically against the interests of my own profession which thrives owing to the obscurity of the law and the weakness of judges. We have in this piece of legislation two provisos (*a*) and (*c*) to section 49K which refer to sales either for arrears of rent or for the recovery of public demands. Evidently, Sir, the present legislation refers to private transfers. But difficulties may arise unless we explicitly say that these provisions do not apply to auction purchasers. Under these two sub-sections any tenure or holding belonging to an aboriginal may be sold in execution of a decree of a competent court, and purchased by anyone, and therefore to make it clear in this case the purchaser may be an aboriginal or a non-aboriginal, so that their case ought not to come under the stringent provisions of this new chapter. Only to make it clear, I say, let us distinctly say that it does not apply to their case."

The Hon'ble MR. CUMMING said :—

"Sir, I appreciate the point that has been raised by the Hon'ble Member who desires to make the Act more clear with reference to clause 49K, but as this is a matter of legal drafting, I suggest to him that the phrase with which the clause begins 'notwithstanding anything in this Act...........' is sufficient for the purpose ; and on the ground that the amendment is unnecessary, I ask that it be not accepted."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"My Lord, section 49K does not end with the proviso (*a*), but there are other provisos, namely (*b*) and (*c*). It is not exactly clear, so it is a point

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which ought not to be left in doubt. It is true that upon one reading of the Act the impression is that it relates only to transfers between parties independent of law courts, and it does not refer to involuntary or compulsory sales, but to avoid any unnecessary litigation it might be well to adopt my hon'ble friend's suggestion that it should be clearly stated that nothing in this section applies to what he calls auction sales and compulsory sales, and there will be no harm thereby especially when we find that the Bill is not free from redundancy in other matters ; for instance, as regards the validity of certain transfers coupled with the matter of registration, that any deed of sale in contravention of the provisions of this Act, or shall not be registered and no court shall recognise it. All that is redundant. I do not see why it should not be absolutely clear though we may be open to the charge of redundancy. As a matter of supererogation we might have the clause which the Hon'ble Member Babu Ambika Charan Mazumdar has suggested."

A division was then taken with the following result :—

Ayes—15.

The Hon'ble Dr. Nilratan Sarkar.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brajendra Kishore Ray Chaudhuri.
" " Mr. Arun Chunder Singha.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " " Radha Charan Pal Bahadur.
" " Mr. Ashraf Ali Khan Bahadur.
" " Babu Bhabendra Chandra Ray.
" " " Surendra Nath Ray.
" " Mr. K. B. Dutt.
" " Babu Kishori Mohan Chaudhuri.
" " " Ambika Charan Mazumdar

Noes—23.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " " Satyendra Prasanna Sinha, KT.
" " Mr. J. C. Cumming, C.S.I., C.I.E.
" " Surgeon-General W. R. Edwards, C.B., C.M.G.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " " J. H. Kerr, C.S.I., C.I.E.
" " " J. Donald.
" " " L. S. S. O'Malley.
" " " F. A. A. Cowley.
" " " C. H. Bompas.
" " " W. C. Wordsworth.
" " " C. F. Payne.
" " " E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. J. Mackenzie.
" " " W. H. H. Arden-Wood, C.I.E.
" " " Aminur Rahaman.
" " " F. W. Carter, C.I.E.
" " Sir A. Birkmyre, KT.
" " Mr. E. B. Eden.
" " Maulvi Abul Kasem.
" " Khan Sahib Aman Ali.
" " Rai Mahendra Chandra Mitra Bahadur.

The following members abstained from voting :—

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. E. A. Martin.
" " Maulvi A. K. Fazl-ul-Haq.
" " Rai Sri Nath Ray Bahadur.
" " Babu Mahendra Nath Ray, C.I.E.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons.
" " Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif 'Ali Mirza Khan Bahadur Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. R. Glen.
" " Mr. H. R. A. Irwin.
" " " Abdulla-al-Mamun Suhrawardy.
" " Mr. Altaf Ali.
" " Babu Akhil Chandra Datta.

The ayes being 15 and the noes 23, the motion was lost.

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(Amendment No. XXI.)

Proposed section 49J.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY moved that the following be omitted from sub-section (*1*) of section 49J, namely :—

(*i*) the word "or" at the end of clause (*a*);
(*ii*) the whole of clause (*b*); and
(*iii*) the words and figures "subject to the provisions of sections 86 and 87" in lines 9 and 10 of that sub-section.

He said :—

"My Lord, this is a very important matter. Section 49J, as it now stands, threatens us with a serious encroachment on our vested rights—rights which we have been enjoying from time immemorial. Talking of vested rights, my Lord, I think I should make it clear at the very outset that the zamindars of Bengal will be the first persons to give up every bit of their vested rights for the benefit of their country if it can be proved to their satisfaction that by doing so the benefit obtained will be commensurate with the extent of sacrifice involved. But unless and until this can be proved, we can never entertain any proposal which interferes with our rights and thus means a repudiation of the sacred undertaking given to us by the Government at the time of the Permanent Settlement of Bengal.

My Lord, in the matter of settlement of our waste lands or lands abandoned or surrendered by our tenants, we have all along exercised a free and unrestricted right, but this provision of the Bill is going to put a restraint on our free action; it proposes to lay down that under certain circumstances we shall have to obtain the sanction of the Collector first.

My Lord, this is a very serious matter. Let us see how it is proposed to justify this interference with our rights. It is no doubt an admitted fact that the aboriginal tribes require some protection against being cheated out of their lands by designing persons. It is therefore undoubtedly necessary that certain restrictions should be put on them so that they might not run into hopeless debts or foolishly alienate their lands. With these ends in view, various enactments have been passed in the provinces of Bihar and Orissa, the Punjab and the Central Provinces. But let me tell your Lordship that nowhere in those enactments has any restriction been placed on the landlord as to how he should dispose of the holdings abandoned or surrendered by the aboriginals. Mr. Beatson Bell, who is originally responsible for this Bill, did admit in his notes that this is an innovation. He says :—

> 'This is new, but experience shows that provisions regarding the prohibition or restriction of transfers are defeated by so-called surrenders or abandonments. Provision is therefore made for making the resettlement of such lands by the landlord subject to the approval of the Collector.'

Yes, I admit that in theory at least there is a possibility of defeating the intention of the legislature in this way; but let us come to the practical side of the question. Do we for a moment realise that in order to alienate his holding by such surreptitious means the aboriginal shall have to enter into a conspiracy with his landlord and the intending non-aboriginal purchaser. But what gain does the landlord derive by joining the disgraceful conspiracy. It might be contended that a non-aboriginal will pay the landlord a bigger registration fee than an aboriginal purchaser. But we should remember that the maximum fee itself in one single transaction of this kind hardly exceeds Rs. 25, so the prospect of getting a rupee or two more is certainly not so big a temptation as to make a respectable zamindar stoop so low. Most of my official colleagues here surely know that no big or respectable zamindar can

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act in this way; they undoubtedly care more for their reputation than for such petty pecuniary gains secured by so unfair a means. Now let us see what grave risks the other conspirator, I mean the occupier of the so-called abandoned holding, runs. Under the Bengal Tenancy Act (section 87) the abandoned holding may be reclaimed by the original tenant at any time within a period of two years of the abandonment. Under the circumstances can we seriously believe that any sensible person will part with his hard-earned money for so doubtful and risky a transaction.

My Lord, I hope I have been able to show that the fears of Mr. Beatson Bell are entirely baseless. But assuming that he is right and we the zamindars are a set of unscrupulous people, I frankly ask the Member in-charge will this restriction be at all effective? When all parties are agreed, are there not a thousand and one ways by which they can secure the desired end? By previous arrangement, cannot the zamindar auction-purchase the aboriginal's holding in execution of a rent decree and then settle it with the desired party? I think that this is a much safer plan than the so-called surrenders and resettlements so much feared by Mr. Beatson Bell.

My Lord, it will thus be seen that while this provision of the Bill proposes to take away a long-enjoyed privilege from the zamindars, the benefit it intends to confer is practically nil.

In this connection I should also alike to point out that all non-officials consulted on this subject have objected to this intrusion on our vested rights. Even some of the very highly placed Government officials consulted have admitted the impropriety of the proposed interference with our rights.

The District Judge of Birbhum says :—

'In my judgment this is a most important innovation proposed. I find that nearly all the subordinate officers whom I consulted are against the proposed innovation. They are of opinion that the landlords' powers of resettlement should be left unfettered.'

The District Judge of Midnapore says :—

'This is a serious encroachment on a landlord's liberty of contract, and as I have already indicated, I am of opinion that there is no justification for it in a district where the aboriginals whom it is intended to protect have no inherent rights, so to speak, in the soil.'

The Commissioner of the Burdwan Division says :—

'Strong objection is taken to the curtailment of the landlord's right to settle abandoned holdings. Mr. Boyle points out that Sonthals very often abandon a village entirely owing to the death of a leader or some superstition and may desert their villages never to return, and if permission to resettle these holdings is to be obtained from the Collector, the time of the Collector and the landlord would be wasted and the aboriginal tenants would be put to unnecessary expense.'

My Lord, let me also quote what two of the premier zamindary associations of the country say on this subject.

The Secretary of the British Indian Association writes :—

'My Committee beg leave to point out that section 49J introduces a new element, in that it gives power to the Collector to interfere with the vested rights of zamindars. Under the Permanent Settlement the latter have the undoubted right to settle the land in the best way they can, and there is no restriction put on this right. This principle has been recognised and confirmed in all legislation subsequent to the Permanent Settlement relating to landlords and tenants; and as the proposed clause will be a direct violation thereof, my Committee cannot too earnestly pray for its omission from the Bill.'

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The Secretary of the North Bengal Zamindars' Association writes :—

'Section 49J of the Bill puts vexatious and unwarranted restraint on the free-will and judgment of the landlords and imposes on them an obligation which is hardly compatible with their permanent proprietary right; as such this section should be omitted altogether.'

My Lord, in view of the opinions expressed above may I not hope that our vested rights will be properly respected and not lightly set at naught as proposed.

My Lord, in dealing with the aboriginals every care should be taken to protect them from unscrupulous persons, but zamindar's aid and not his discontent should be sought to effect this. If any undue restriction is put on the zamindars it is the aboriginals who will suffer most. No zamindar, in that case will dare settle lands directly with the aboriginals. The only result of this interference with our rights would be that in future the poor aboriginals, instead of securing occupancy rights under us, will have to remain satisfied with the inferior and insecure position of under-tenants of our creatures whom we will be forced to set up as an intermediary between us and the aboriginals. My Lord, I have not concealed any facts, I have been plain and clear on every point and now I hope that the Hon'ble Member in charge of this Bill will realise the situation and be kind enough to accept my amendment."

The Hon'ble MR. CUMMING said :—

"Sir, I fully admit that this is an important innovation. It is alleged that the vested interests of the zamindar are in danger. Those who have framed this Bill have no desire to affect injuriously the vested interests of the zamindars, but there are some zamindars who are also money-lenders. The zamindars as a rule prefer Sonthal tenants, and the two representatives of the landlord community who were on the Select Committee and who had also Sonthal tenants considered that this amendment in its present form was a suitable one. The genesis of it is as follows :—

Mr. McAlpin from the beginning said that something should be done to prevent collusive surrenders. It was found then that in Chota Nagpur no action had been taken to meet this. The Chota Nagpur officers have reported to their Government that there is a defect here and that when the law is next amended, provision should be made on the lines of the clause as it stands in the Bill. That is why in drafting this Bill it has been determined to legislate against collusive surrenders. The Hon'ble Member has raised a point that such legislation does not exist anywhere else in India. I think, Sir, he is under a misapprehension, because in section 36 of the Central Provinces Tenancy Act provision has been made so that a heir of a raiyat who has surrendered his holding may apply to the revenue officer within two years to have him placed in possession of his holding. That is the same principle which we desire to enforce here. On these grounds, Sir, that it is to meet a definite evil and that there is an analogy for it in another Act dealing with similar circumstances, I think that the clause should stand as it is in the present Bill before the Council."

The Hon'ble MR. BOMPAS said :—

"My Lord, I do not think it is necessary to go so far as the Hon'ble Mr. Cumming to find a precedent for the provision which it is proposed to introduce into the Act. In the Sonthal Parganas, since 1872, the landlords

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have not been allowed to exercise the right of settling abandoned holdings; that right, in the interests of the village communities, was transferred to village headmen. The Sonthal Parganas were recently under this Government with its seat in Calcutta and a great part of the district consists of permanently-settled zamindari. That is a distinct precedent for controlling the power of resettlement of abandoned holdings. I think that the Hon'ble Members will not have any difficulty in supporting the clause, as it stands, if they have clearly realised the object of the legislation embodied in this Bill. We have a community of aborigines which originally had a strong village system, and it is found that the members of this community are losing their lands and that the communal system is being broken up. To remedy that state of affairs, two courses are possible: you may protect the individual against himself, or you may ignore the individual and look solely to the interests of the community. This Bill is to some extent a double-barrelled Bill and aims at both objects. When it forbids an individual aboriginal to mortgage his land for more than seven years even to another aboriginal, it is protecting the individual against himself; when the Bill forbids an aboriginal to sell or give his land to a fellow aboriginal it is restricting the liberty of the individual in the interests of the individual himself. There is another course which is primarily the object of this Bill, as is seen from the fact that it forms an amendment to the Bengal Tenancy Act, and that is to look to the interests of the community and protect the community against invasion from outside. The original system of tenure prevailing among the Sonthals is the communal system. The village community under its headman is responsible for the payment of rent of the village and within the village the headman is supreme. That is a rational system of land tenures and unfortunately as it is found in few parts of Bengal it is totally outside the purview of the Bengal Tenancy Act; it is not recognised by our Rent Law at all. In this amendment of the Bengal Tenancy Act there is sufficient recognition of it inasmuch as this provision is intended to prevent an encroachment on the rights of village communities and the breaking up of village communities. A Sonthal village is a self-contained unit. The village has its headman, its priest and its village messenger. Its numerous village festivals and ceremonies are all carried out as a community, and as a community the Sonthals are fairly strong; taken as an individual his want of intelligence makes him an easy prey to more intelligent people. The only hope of keeping these people as fairly self-respecting, independent members of society is obviously by maintaining the village communal system. You have a village of Sonthals and if you introduce into it a number of people of other castes of superior intellect and superior ability such people will not take any part in the village life; they will not be subordinate to the village headmen. They gradually increase their holdings and in the course of a few years your village community comes to an end. It is sufficiently apparent that once that process has set in, the only end is that the aborigines become landless labourers. Now this Bill prevents the transfer, except with the consent of the Collector, of aboriginal holdings to non-aboriginals, but it is found by experience that is not sufficient. I speak from experience. I was Deputy Commissioner of the Sonthal Parganas for six years; and during the whole of that period settlement operations were in progress. In the course of these operations full statistics were obtained of the manner in which holdings were alienated from aboriginals to non-aboriginals, and it were found that the greatest percentage of objectionable alienations took the form of resettlement with the consent of the village headmen or the zamindar's agent. That is natural. If a raiyat is entering into an invalid contract, it is almost certain that he must obtain the consent of the zamindar's agent or of the village headman, where it exists. When there is an obvious way of evading the provisions of the Bill that an aboriginal may not transfer his holding by making a collusive abandonment it is necessary to provide against such evasion and that is done by providing that in resettlements, sales or in other formal transfers, a fellow

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aboriginal shall have a prior right to take the abandoned holding; and it is only by such a provision as far as I know and as far as my experience goes that you can maintain the integrity of the village community."

The Hon'ble KUMAR SHIB SHEKARESHWAR RAY said :—

"My Lord, it is surely not a good argument that because some people act in a suspicious manner all people must be suspected. In fact one can only rely on this argument when a large number of people act in a suspicious manner. I do not think that the Hon'ble Mr. Cumming has been able to show that a large number of zamindars act in this manner, and so, until he can show that, I do not think he can reject my amendment.

Then, again, he has referred to the provision in the Central Provinces Act. We have got a similar provision in section 87 of the Bengal Tenancy Act—'If a raiyat voluntarily abandons his residence without notice to his landlord, and without arranging for payment of his rent as it falls due, and ceases to cultivate his holding either by himself or by some other person, the landlord may, at any time after the expiration of the agricultural year in which the raiyat so abadons and ceases to cultivate, enter on the holding, and let it to another tenant or take it into cultivation himself.'......... 'When a landlord enters under this section, the raiyat shall be entitled to institute a suit for recovery of possession of the land at any time not later than the expiration of two years, or, in the case of a non-occupancy raiyat, six months from the date of the publication of the notice; and thereupon the Court may, on being satisfied that the raiyat did not voluntarily abandond his holding, order recovery of possession on such terms, if any, with respect to compensation to persons injured and payment of arrears of rent as to the Court may seem just.'

Especially, in view of the further amendment that has been proposed by the Hon'ble Mr. Cumming himself, I do not think that there is any necessity for encroaching upon our rights. This amendment which is amendment 25, says :—'If any person, who is not an aboriginal, obtains or retains possession of any tenancy or portion thereof in contravention of the provisions of sub-section (*1*), such person shall, for the purposes of section 49H, be deemed to be a transferee, and the Collector may take action, so far as may be, in accordance with the provisions of that section.' As Mr. Cumming is going to move this amendment, I take it that it will be passed, in that case when the Collector comes to know that any so-called abandoned holding has been conveyed collusively, he may take steps under this section. So the real interests of the aboriginal tenants, that Mr. Bompas has referred to, will be amply safeguarded. Is there any force in the argument that land once held by an aboriginal should be always held by an aborginal? They are after all, as far as the non-aboriginal districts are concerned, only emigrants and as such what right have they to a preferential claim on a plot of land even if it has been abandoned by an aboriginal. I do not think they can have any preferential claim.

I think I shall have to ask for a division, and before resuming my seat I should like to appeal to my non-official European colleagues here that if they feel convinced by my arguments, they should not be deterred from voting in my favour solely on the ground that they belong to the Government party. There is no party in this Council. This Council is only an Advisory Board. We may succeed or fail in carrying a motion, but it does not affect the Government in the least, because our opinions are only a kind of recommendation to the Government. So under these circumstances it is rather the duty of everybody to vote as he thinks proper."

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A division was then taken with the following result :—

Ayes—14.

The Hon'ble Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishore Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Rai Radha Charan Pal Bahadur.
" " Maulvi Abul Kasem.
" " Mr. Ashraf Ali Khan Bahadur.
" " Maulvi A. K. Fazl-ul-Haq.
" " Babu Bhabendra Chandra Ray.
" " Rai Sri Nath Ray Bahadur.
" " Babu Surendra Nath Ray.
" " Mr. K. B. Dutt.
" " Babu Kishori Mohan Chaudhuri.
" " Ambika Charan Mazumdar.

Noes—25.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " " Satyendra Prasanna Sinha, KT.
" " Mr. J. C. Cumming, C.S.I., C.I.E.
" " Surgeon-General W. R. Edwards, C.B., C.M.G.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " " J. H. Kerr, C.S.I., C.I.E.
" " " J. Donald.
" " " L. S. S. O'Malley.
" " " F. A. A. Cowley.
" " " C. H. Bompas.
" " " W. C. Wordsworth.
" " " C. F. Payne.
" " " E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Dr. Nilratan Sarkar.
" " Mr. J. Mackenzie.
" " " W. H. H. Arden-Wood, C.I.E.
" " " Aminur Rahman.
" " " F. W. Carter, C.I.E.
" " Sir A. Birkmyre, KT.
" " Mr. E. B. Eden.
" " Khan Sahib Aman Ali.
" " Mr. Altaf Ali.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Mahendra Nath Ray, C.I.E.

The following members abstained from voting :—

The Hon'ble Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Rai Debender Chunder Ghose Bahadur.
" " Mr. E. A. Martin.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons.
" " Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif Ali Mirza Khan Bahadur Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. R. Glen.
" " " H. R. A. Irwin.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Babu Akhil Chandra Datta.

The ayes being 14 and the noes 25, the motion was lost.
The Council adjourned at this stage for an hour for lunch.

After Lunch.

(Amendment No. XXII.)

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that the words "retain it in his own possession", in lines 3 and 4 of clause (*ii*) of sub-section (*1*) of section 49J be omitted, and the following be added after that clause, namely :—

"(*iii*) retain it in his own possession".

He said :—

"This motion deals with the question of the settlement of land when it is vested in the zamindar on account of a void transfer, or when it is vested in him owing to surrender of land. In this case a zamindar may first of all settle the tenancy or a portion thereof with an aboriginal. He can do it

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without any reference to anybody, and in the second place, with the approval of the Collector in writing, he can settle it with a non-aboriginal; and then it is said that he can retain it in his own possession. So that as the section stands, the power of the landlord to retain the land in his own possession is also subject to the approval of the Collector. My contention is that we have made sufficient encroachment on the rights of the landlord, and we need not encroach further. In the first place, when the right of settlement comes to him, he may settle with an aboriginal, that is all right. In the second place, if he does not want to settle with an aboriginal he is made to take the sanction of the Collector. But I do not understand why he should not be permitted to retain the land in his own possession when he fails to settle it with a non-aboriginal. It may be argued that if the landlord is allowed to retain the land in his own possession, without the intervention of the Collector, he may avoid settling it with any tenant whether aboriginal or non-aboriginal. My contention is this, that the landlord should not be debarred from dealing with his land, if he is a landlord, even to the extent of keeping the land in his own possession without the sanction of the Collector. Landlords of course are considering to be very rack-renting and so forth. My Lord, I am not one of those big zamindars who need complain about this provision, but I think in justice to them, we ought not to be very hard upon them. They are not in fact such unscrupulous people as they are supposed to be. They are very good people; when they have to establish schools and colleges, and when they have to found charitable institutions they are very useful as collecting agents of Government; they have to pay very heavy Government revenue, whether they realise their rent or not; they have to pay the cess demand due from the tenants even before they can realise 50 per cent. of it from the tenants themselves. I think under these circumstances, it is not a wise policy to kill the goose that lays the golden eggs. Therefore, I wish to take the words 'retain in his own possession' from sub-clause (2) and make it an independent sub-sectional clause. Three things are open to the landlord: first he will have to settle with an aboriginal, and in the second place if he wants to settle it with a non-aboriginal he will have to go to the Collector who will have an opportunity of seeing whether it was not possible for him to settle with an aboriginal tenant, and in the third place, if he does not want to settle with an aboriginal or non-aboriginal, he may keep it in his own possession. I do not see why you should compel him to ask the Collector's permission if he wants to keep such lands which have been surrendered by a tenant, in his own possession. I think that this clause ought to be taken out and made an independent clause so that it may not be affected by any approval or disapproval of the Collector."

The Hon'ble MR. CUMMING said :—

"Sir, the Hon'ble Member desires that if the landlord retains the tenancy in his own possession he should not require the approval of the Collector in writing; and by way of argument he says that we, that is to say, the Council, have already sufficiently encroached upon the rights and privileges of zamindars. I think the Hon'ble Member overlooks again what the object of the Bill is. The object of this Bill is, as far as possible, to keep the lands in the hands of the Sonthals. Now, as regards landlords, there are two classes. There are those who are not money-lenders and who always like Sonthals as tenants and there are those who are money-lenders. As regards the landlords who are not money-lenders, they have no objection to this; they are quite agreeable that the Collector should have a say in the matter. The landlords who are money-lenders naturally object to this proposal, but it is precisely against the money-lender landlords that we wish to legislate. Therefore, it is highly desirable that the Collector should have an opportunity of approving the case in which the landlord desires to retain the tenancy in his own possession. The Hon'ble Member has spoken as if nothing has been

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done, no concession has been made; as if no consideration of the interests of the landlords has been taken at all. But he should realise that in the Select Committee, sub-clause (*b*) (*2*) of clause 49H was very materially altered; and it was laid down that the landlord had one year in which to exercise his right of settlement, and that the Collector on his part should exercise his right within six months. These are two material concessions that have been made to the landlord. I, therefore, think, Sir, that either on general grounds or particular grounds, there is no reason for altering 49J as it stands in the Bill at present."

A division was then taken with the following result :—

Ayes—16.

The Hon'ble Dr. Nilratan Sarkar.
,, ,, Raja Hrishikesh Laha, C.I.E.
,, ,, Mr. Provash Chunder Mitter.
,, ,, Sir Bijay Chand Mahatab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
,, ,, Kumar Shib Shekhareswar Ray.
,, ,, Babu Brojendra Kishore Ray Chaudhuri.
,, ,, Dr. Deba Prasad Sarbadhikari, C.I.E.
,, ,, Rai Debender Chunder Ghose Bahadur.
,, ,, Mr. Ashraf Ali Khan Chaudhuri.
,, ,, Babu Bhabendra Chauder Ray.
,, ,, Mr. Altaf Ali.
,, ,, Rai Sri Nath Ray Bahadur.
,, ,, ,, Mahendra Chandra Mitra Bahadur.
,, ,, Babu Surendra Nath Ray.
,, ,, ,, Kishori Mohan Chaudhuri.
,, ,, ,, Ambika Charan Mazumdar.

Noes—23.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
,, ,, ,, Satyendra Prasanna Sinha, KT.
,, ,, Mr. J. G. Cumming, C.S.I., C.I.E.
,, ,, Surgeon-General W. R. Edwards, C.B., C.M.G.
,, ,, Mr. C. J. Stevenson-Moore, C.V.O.
,, ,, ,, J. H. Kerr, C.S.I., C.I.E.
,, ,, ,, J. Donald.
,, ,, ,, L. S. S. O'Malley.
,, ,, ,, F. A. A. Cowley.
,, ,, ,, C. H. Bompas.
,, ,, ,, W. C. Wordsworth.
,, ,, ,, C. F. Payne.
,, ,, ,, E. B. H. Panton.
,, ,, Rai Priya Nath Mukharji Bahadur, I.S.O.
,, ,, Mr. J. Mackenzie.
,, ,, ,, W. H. H. Arden-Wood, C.I.E.
,, ,, ,, Aminur Rahaman.
,, ,, ,, F. W. Carter, C.I.E.
,, ,, Sir A. Birkmyre KT.
,, ,, Mr. E. B. Eden.
,, ,, ,, E. A. Martin.
,, ,, Maulvi Abul Kasem.
,, ,, Babu Mahendra Nath Ray, C.I.E.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons.
,, ,, Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif Ali Mirza Khan Bahadur Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.
,, ,, Sir Rajendra Nath Mookerjee, K.C.I.E.
,, ,, Mr. R. Glen.
,, ,, ,, Arun Chandra Singha.
,, ,, Rai Radha Charan Pal Bahadur.
,, ,, Mr. H. R. A. Irwin.
,, ,, Dr. Abdulla-al-Mamun Suhrawardy.
,, ,, Maulvi A. K. Fazl-ul-Haq.
,, ,, Khan Sahib Aman Ali.
,, ,, Babu Akhil Chandra Datta.
,, ,, Mr. K. B. Dutt.

The ayes being 16 and the noes 23, the motion was lost.

(Amendment Nos. XXIII and XXIV.)

The Hon'ble MR. CUMMING moved that after the word "possession", at the end of clause (*ii*) of sub-section (*1*) of section 49J, the following be added, namely :—

"Provided that such approval shall not be withheld if the Collector is satisfied that the surrender or abandonment referred to in this sub-section is not made with the object of evading the provisions of sections 49B, 49E or 49F."

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The President; Mr. Cumming; Kumar Shib Shekhareswar Ray; Mahârajadhiraja Bahadur of Burdwan.

He said :—

"Sir, it will be observed that the Hon'ble Kumar Shib Shekhareshwar Ray has tabled an amendment, the purport of which is that if the surrender is *bonâ fide*, approval should always be given. As the prime object of the drafting of this clause is to legislate against *mala fide* surrenders, I am prepared to suggest to the Council that a proviso be inserted in the terms which I have read. I wish, that the Collector should be satisfied that the surrender is not made for the object of defeating any of the principles of the Act. I, therefore, move the amendment which stands in my name."

The PRESIDENT said :—

"The Hon'ble Member (Kumar Shib Shekhareswar Ray) understands that if this amendment is carried, he will not be able to move his amendment (No. XXIV)."

The motion was put and agreed to. The following amendment was then held to be withdrawn :—

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY to move that the following be added at the end of sub-section (*1*) of section 49J, namely :—

"Provided that such approval shall always be given if the surrender or abandonement referred to in this sub-section is made *bonâ fide*."

(Amendment No. XXV.)

The Hon'ble MR. CUMMING moved that for sub-section (*2*) of section 49J, the following be substituted, namely :—

"(*2*) If any person, who is not an aboriginal, obtains or retains possession of any tenancy or portion thereof in contravention of the provisions of sub-section (*1*), such person shall, for the purposes of section 49H, be deemed to be a transferee, and the Collector may take action, so far as may be, in accordance with the provisions of that section."

He said :—

"It will be observed, Sir, that this is an amplification of sub-clause (*2*) of section 49J, as it stands in the Bill before the Council, and the reason for this amplification is as follows :—

The Bill, as it stands, does not make it clear that the Collector can, on his own motion or on the motion of the landlord, turn out a money-lender who has managed to obtain possession by a collusive transaction with the landlord. Sir, it struck me, after the Bill had proceeded from the Select Committee, that there was a defect here; and after consideration this amendment has been drafted for the purpose of meeting that defect, *namely*, of turning out a money-lender who came into possession by a collusive abandonment.

It will be observed that he is called a transferee and reference is made to section 49H, under which the Collector can take certain action as regards eviction. I, therefore, recommend, Sir, this sub-clause in its revised form for the acceptance of the Council."

The Hon'ble MAHARAJADHIRAJA BAHADUR of Burdwan said :—

"My Lord, I was a member of the Select Committee and I wish to draw your Lordship's attention to the fact that had the amendment, which the Hon'ble Mr. Cumming has just moved, been moved or discussed in the form in which it is now proposed, some of us would have opposed it. In his desire

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to keep out the money-lenders, Mr. Cumming seems to overlook the fact that in this section we have been trying to give a little more free hand to the landlord who is after all the real proprietor and in his desire to keep out the money-lender, if the money-lender happens to be the zamindar himself, he will have to suffer because he lent the money to the aboriginal tenant. I prefer the wording of the section, as it stood and as it was passed by the Select Committee; and I, therefore, oppose this motion."

The Hon'ble MR. P. C. MITTER, said :—

"My Lord, I am sorry to have to oppose the amendment proposed by Mr. Cumming. The Council will observe that under section 49J, as it now stands, if this settlement with the tenant is in contravention of the provisions of sub-section (*1*), the Collector may take action, so ordinarily that ought to be sufficient. Now, the Council will also observe in the amendment proposed by the Hon'ble Mr. Cumming that no time-limit is mentioned. In the ordinary course, this will come under section 49H, sub-section (*2*) (*b*), and under clause (*b*) it will be observed that if the zamindar settles within one year, well and good, if not, the Collector may within six months settle the land on behalf of the landlord. This amendment wants to get rid of a suspicious settlement, therefore, in the amendment as it stands, there is nothing to prevent the Collector getting rid of such a settlement after 10 years. Some time-limit ought to be mentioned. There is another point which would appear, and that is in case of civil settlements, the person settling has to take the sanction of the Collector. If he has not, then clause (*2*) of section 49J will make such settlement a bad one. Therefore, Sir, from that point of view, the amendment seems to me to be unnecessary."

A division was then taken with the following result :—

Ayes—16.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " " Satyendra Prasanna Sinha, KT.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Surgeon-General W. R. Edwards, C.B., C.M.G.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " " J. H. Kerr, C.S.I., C.I.E.
" " " J. Donald.
" " " L. S. S. O'Malley.
" " " F. A. A. Cowley.
" " " C. R. Bompas.
" " " W. C. Wordsworth.
" " " C. F. Payne.
" " " E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. Aminur Rahaman.
" " " Altaf Ali.

Noes—21.

The Hon'ble Dr. Nilratan Sarkar.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishore Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " " Radha Charan Pal Bahadur.
" " Mr. F. W. Carter, C.I.E.
" " Maulvi Abul Kasem.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " Rai Sri Nath Ray Bahadur.
" " " Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " " Kishori Mohan Chandhuri.
" " " Ambika Charan Mazumdar.

The following members abstained from voting :—

The Hon'ble Mr. J. Mackenzie.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Sir A. Birkmyre, KT.
" " Mr. E. B. Eden.
" " Mr. E. A. Martin.
" " Babu Mahendra Nath Ray, C.I.E.

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Babu Kishori Mohan Chaudhuri; Mr. Cumming.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons.
The Hon'ble Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif' Ali Mirza Khan Bahadur Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.
The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. R. Glen.
" " Mr. H. R. A. Irwin.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Babu Akhil Chandra Datta.
" " Mr. K. B. Dutt.

The ayes being 16 and the noes 21, the motion was lost.

(Amendment No. XXVI.)

The Hon'ble BABU KISHORI MOHAN CHAUDHURI, with the approval of the President, withdrew the following amendment which stood in his name, viz.:—

"that before the decree, in line 2 of proviso (*b*) to section 49K, the "words '*bonâ fide*' be inserted."

(Amendment No. XXVII.)

The Hon'ble MR. CUMMING moved that in line 4 of proviso (*b*) to section 49K, before the word "contract" the words "*bonâ fide*" be inserted.

He said :—

"The reason for this amendment is the desire to meet the point raised by the Hon'ble Member who has just spoken, and I presume that, because I am moving this, he has agreed to withdraw his amendment."

The motion was put and agreed to.

(Amendment No. XXVIII.)

Proposed Section 49K.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved that for the words "any contract" in line 4 of proviso (*b*) to section 49K, the words "any *bonâ fide* contract or transfer" be substituted.

He said :—

"I propose that in line 4 of proviso (*b*) to section 49K, the words 'any *bonâ fide* contract or transfer' be substituted. The only words I wish to add are 'or transfer'. If this is done, it will obviate the necessity of having section 49P. As far as I have been able to see 'transfer' is the only thing dealt with by that section. If '*bonâ fide* transfer' be added here along with 'contract', I do not think there will be any necessity to have section 49P. It is in that view that I propose to have the words or transfer added."

The Hon'ble MR. CUMMING said :—

"Sir, in answer to the Hon'ble Member the reply that one would naturally make would be that provision is already made for this in section 49P at the end of the Bill. He, however, says that if the words 'or transfer' be included in clause 49K. the necessity for 49P, will disappear. This, however, is a matter for technical drafting, and I am advised that it is desirable to keep the question of contract and transfer separate, and that is why there are two clauses; moreover, we have got precedents for that in the Chota Nagpur Act. I, therefore, oppose the amendment of the Hon'ble Member."

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The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"If these two sections are retained separately, I have no objection. It is only for simplicity's sake, I urge this. If the Hon'ble Member thinks two sections should be kept separate; that can be done; I have no objection."

The motion was then, by leave of the President, withdrawn.

(Amendment No. XXIX.)

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved that for the figures "1916", in line 4 of clause (*i*) of proviso (*b*) to section 49K, the figures "1917" be substituted.

He said :—

"In this amendment my intention is that the clause should not be retrospective. And if it is made retrospective at all, it may be made so only with effect from the date or month in which this amended Bill was introduced. Therefore I propose that in place of the figures '1916' in line 4 of clause (*i*) of proviso (*b*) of section 49K, the figures '1917' be substituted. My object is not to make it retrospective and I do not think that any case has been made out necessitating its being made retrospective for a year. I hope the Council will take into consideration whether it should have retrospective effect. I hope my amendment will be accepted."

The Hon'ble MR. CUMMING said :—

"Sir, the Hon'ble Member says that no reason has been made out why this should be retrospective. I wish to point out to him and to the members of this Council that legislation for the Sonthals of the districts of Bankura, Birbhum and Midnapore has been pending since 1914. The draft was circulated in 1914 and it was known that such legislation might at any moment be undertaken. Again in 1916 another draft was circulated and therefore it was made quite clear that Government had the matter under their consideration. When the Bill was brought before the Select Committee in the form in which it was introduced in Council, the period was two years, but the Select Committee thought it right to reduce the term to one year, to which I, as member in charge of the Bill, was prepared to accede; and I do not think that it would be right to go any further. Those who know the area and the people concerned are aware that the Sonthals have been eagerly expecting legislation of this kind, and the people who have been dealing with the Sonthals have known for at least one year, I would go further and say two years, that they have been doing it at their peril. I therefore recommend to the Council that this amendment be not accepted."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"Very well Sir, after that explanation, I beg to withdraw my amendment."

The motion was then, by leave of the President, withdrawn.

(Amendment No. XXX.)

The Hon'ble MR. ASRAF ALI KHAN CHAUDHURI moved that clause (*b*)(*ii*) of section 49K, be omitted.

He said :—

"My Lord, this amendment is nearly the same as that moved by the Hon'ble Babu Kishori Mohan Chaudhuri. It is about the retrospective effect, but it does not concern the three districts of Bankura, Birbhum and Midnapore. It is about other districts to which this Bill will not apply at once. When the notification under section 49A will be published in the *Calcutta Gazette*, the Bill will apply. The transfer of land has been restricted by sale or by decree of Court. There are two provisos, one is that if the decree of the Court is for arrears of rent, then the decree for transfer is quite all right, or if there is a decree on account of the contract for sale, which

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contract was made one year before the Act came into force. In the case of other castes and tribes also to which this chapter has been applied, this Bill will have effect from one year before the date of the publication of the notification under section 49A, sub-section (2), so it comes to this, that supposing after this Bill has been passed into law, after six months you publish the notification and if is there is a transaction within one year then it becomes null and void. I do not know about the Eastern Bengal and Western Bengal, but in the Alipur Duars and Darjeeling districts there are many tea plantations. There, there are several landlords and tenants who have bought lands and put money into the improvement of the land ; they have erected machinery and put in a large amount of money. If this clause is kept then after the notification is made, all those transactions that have been made within one year, become null and void and all their money goes. It is for this reason I say that this ought to be amended. As regards Birbhum, Bankura and Midnapore I do not object to it, because it might be said that before the Bill had been circulated in all these districts, they might have known all about it, but in Northern Bengal and Eastern Bengal I believe that the people do not know much about it. There might have been some circulation amongst the Divisional Commissioners and Collectors and some people may know about it, but the ordinary public do not know much about it, and for this reason I say this clause should be omitted."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, without entering into the merits of the controversy which has been raised by this amendment, I beg to point out to this Council that the accepted principle of legislation is that it should not interfere with rights already created. It is for this reason that whenever any amending Act is passed, care is taken not to make it retrospective, unless the exigencies of the moment require that the Act should take effect immediately or retrospectively. It is true, as the Hon'ble Member in charge of the Bill has pointed out, that sufficient notice has been given, by means of circulars and otherwise, that legislation on the lines intended was impending, but even then I should like to point out that it is very rarely that people can make out that although some sort of legislation might be pending, what would be the exact lines on which that legislation would be undertaken. That matter has been pointed out by the Hon'ble Mr. Ashraf Ali Khan Chaudhuri who said that there may be people who have, inspite of the fact that they knew that legislation was pending, spent money in the improvement of land which has somehow or other passed into their hands, and it will be a great hardship to them, if the Act is made retrospective so as to touch their interests. I should therefore heartily support this amendment."

The Hon'ble MR. CUMMING said :—

"Sir, the objections on theoretical grounds as explained in this amendment to the clause as drafted, namely, clause (*b*), sub-clause (*ii*), are greater than in the previous amendment, but at the same time I think that if the Council once appreciate the position of affairs, they must realise that there are good grounds for it. When the Bill was first drafted, the word 'aboriginal' was not even defined. In Select Committee it has been made clear, that it is intended to refer to the Sonthals of certain districts in the first instance, and then to certain other aboriginal tribes. At the present moment Government have no immediate intention of extending the Act, if it is passed into law, to any of these other aboriginals mentioned in clause 49K, but fair warning is now given to all those concerned that transfers of the nature contemplated in this Bill are not looked upon with favour by Government. I think, therefore, that if an undertaking be given that for a year from now no extension amongst other tribes will be made, then they will be in the same position as the landlords of the areas in which the Sonthals are. With this explanation I trust that the Hon'ble Member, who has raised this amendment, will not press it."

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The Hon'ble Mr. ASHRAF ALI KHAN CHAUDHURI said :—

"My Lord, I am afraid I cannot accept what Mr. Cumming has said, for this reason, that no immediate intention of the Government to notify will be worse for the people, because they will know that if an undertaking is given, it will not be published for at least one year. Prudent people or those who are educated will not have dealings with any land belonging to aboriginals, but what will happen in practice? The poor people, agriculturists, will enter into dealings as to these lands, and they will purchase it ; you cannot alter their nature. When they know that it is not coming for some years, they will not stop or wait, they will go on buying lands. If it was passed into law at once, if there had been no retrospective effect, the Collector would come in and the dealings would become null and void. But the result of giving an undertaking would be a host of litigations and instead of these poor aboriginals being saved, they would be dragged into Court and they would lose all their money. That is the chief thing to which I should like to draw the attention of the Hon'ble Member in charge, and, it is for this reason, that I should like to oppose what Mr. Cumming has said."

A division was then taken with the following result :—

Ayes—20.

The Hon'ble Dr. Nilratan Sarkar.
" " Mr. J. Mackenzie.
" " " Aminur Rahaman.
" " " Provash Chunder Mitter.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishore Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Maulvi Abul Kasem.
" " Mr. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " Rai Sri Nath Ray Bahadur.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " " Kishori Mohan Chaudhuri.
" " " Ambika Charan Mazumdar.

Noes—21.

His Excellency the President.
The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " " Satyendra Prasanna Sinha, KT.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Surgeon-General W. R. Edwards, C.B. C.M.G.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " J. H. Kerr, C.S.I., C.I.E.
" " Mr. J. Donald.
" " " L. S. S. O'Malley.
" " " F. A. A. Cowley.
" " " C. H. Bompas.
" " " W. C. Wordsworth.
" " " C. F. Payne.
" " " E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " " F. W. Carter, C.I.E.
" " Sir A. Birkmyre, KT.
" " Mr. E. B. Eden.
" " " E. A Martin.
" " Babu Mahendra Nath Ray, C.I.E.

The following member abstained from voting :—

The Hon'ble Raja Hrishikesh Laha, C.I.E.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons.
" " Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif Ali Mirza Khan Bahadur Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. R. Glen.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Mr. H. R. A. Irwin.
" " Dr. Abdulla-ul-Mamun Suhrawardy.
" " Mr. Altaf 'Ali.
" " Babu Akhil Chandra Datta.
" " Mr. K. B. Dutt.

The ayes being 20 and the noes 21, the motion was lost.

The Bengal Tenancy (Amendment) Bill.

Babu Kishori Mohan Chaudhuri; Rai Debender Chunder Ghose Bahadur; Mr. Cumming.

(Amendment No. XXXI.)

The Hon'ble BABU KISHORI MOHAN CHAUDHURI withdrew the following amendment which stood in his name, namely :—

"That the words 'at least one year', in line 3 of clause (*ii*) of proviso (*b*) to section 49K be omitted."

(Amendment No. XXXII.)

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved that clause (*c*) of the proviso to section 49K, be omitted.

He said :—

"My Lord, my amendment refers to section 49K, the first part of which runs thus :—'Notwithstanding anything in this Act, no decree or order shall be passed by any Court for the sale of the right of an aboriginal tenure-holder.' Then comes the proviso which says : 'That if the landlord gets a decree for arrears of rent, he will have the right to sell it up,' and then comes clause (*c*) of the proviso, which says : 'Nothing in this section shall affect any right for the sale of any such tenure or holding for the recovery of any dues which are recoverable as public demands.'

Now as an ordinary person having a claim for damages or having an unsecured debt, will not be able to sell the land of an aboriginal, he is deprived of the ordinary rights of the creditor. But it is provided in the last part of the section that this embargo or this prohibition of the usual course by a creditor will not apply in the case of a proceeding for the recovery of any dues as public demands. That means that if there be a certificate under the Public Demands Recovery Act the person in whose favour the certificate is passed will be able to sell the right of an aboriginal tenure-holder, raiyat or under raiyat in his tenure or holding. It puts the holder of the certificate of public demands in an exceptional position, and there is nothing to justify this exceptional position of the holder of a certificate for public demands. I am aware that in such proceedings the Crown has priority for the realization of its dues, but others are not prevented from adopting the same course as the Crown adopts for the realisation of its dues, but by this Bill you tell the general public that you are entitled to a sum of money as a debt due by an aboriginal, the debt is not an arrear of rent, you have no remedy except to attach his person, but you tell the Collector to pass a certificate for public demands, and you will be able to recover whatever you want under your certificate from the aboriginal. The Collector who has been so very tender to the aboriginal is given a free hand to sell up the landed property of the aboriginal for the recovery of the public demand. I do not know whether many members are aware that by the certifiate procedure you can recover all sorts of things if it is a thing due to the State, the Government or to the Court of Wards or to the proprietor of an attached estate. Therefore you not only place Government in an exceptional position, but persons coming under the Court of Wards. Many extravagant and improvident men are wards of court and the estates of many such persons are attached and kept under the control of the Collector, and they will have the benefit of recovering their money like ordinary creditors and not placed in the same position as an ordinary creditor against an aboriginal under this Act. I do not think that this is evenhanded justice or fair treatment. If you do really feel for the aboriginal why then expel him from his lands if he has not paid up his certificate demands."

The Hon'ble MR. CUMMING said :—

"Sir, there is a superficial equity about the remarks of the Hon'ble Member, but I do not think he fully realizes that in the first place the Crown should have and has absolute priority, and in the second place by the balancing of sub-clause (*a*) and sub-section (*c*) it will be seen that the dues of landlords

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and the demands of the general taxpayer are being placed on an equal footing. If the Hon'ble Member were strictly logical, he should also propose that sub-clause (a) should not also form part of the Bill, and I do not think he proposes to do that. The Bill, as it stands safeguarding the dues of the landlord and the dues of the general tax-payer, is, I think, fair. For this ground, Sir, I oppose the amendment."

The motion was then put and lost.

(Amendment No. XXXIII.)

Proposed section 49L.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that after the words "reasonable time", in line 7 of section 49L, the words "not exceeding three months in all" be inserted.

He said:—

"My Lord, it will be remembered that in the original Bill it was proposed to take away the power of the civil court in executing decrees against aboriginals. This was opposed in the Select Committee and it has been stated that the civil courts would be in a position to execute decrees for rent against aboriginal tenants, but it has been provided that the courts should give reasonable time to the debtor in order to pay off his debt. No time-limit has been fixed, and I consider it to be a very great hardship on the landlords just to hang on for the recovery of his rent for an indefinite period even when he has obtained a decree. In fact, up to the decree, it is an easy process. The difficulty of the landlord really begins after the decree has been obtained, and if it is left entirely to the discretion of the court to grant time to the judgment-debtor, in such cases, without any time limit, the decree may not be executed for a long time, say for six months or a year, and we ought to consider the position of the landlord. In this case it is a one-sided piece of legislation, but at the same time we must not forget that in showing our sympathies for the aboriginal, we should not be very harsh upon the landlord decree-holders. Therefore I propose that there should be a limit to the discretion of the court in granting time, and that it ought not to exceed three months. There may be a judgment-debtor against whom the landlord has got a decree for rent and he comes to court and says 'I shall pay you say within two or three years.' So let us have some limit not exceeding three months, and not keep the decree-holder hanging on for an indefinite period entirely at the discretion of the court; this is not fair nor just."

The Hon'ble MR. CUMMING said:—

"Sir, the argument of the Hon'ble Member amounts to this, that if you give one concession, that is an argument for giving another. The Hon'ble Member has rightly pointed out that the clause in the original draft to which many took exception outside this Council has been modified and the terms of 49L as now drafted simply indicate to the court that reasonable time should be given. I think, in other circumstances, the Hon'ble Member would ask whether the civil court could not be trusted to use their discretion properly. I do not really see, Sir, why in this particular case their discretion should be circumscribed, and I can easily conceive of circumstances in which a period of three months might not be reasonable. I, therefore, oppose the amendment."

The motion was then put and lost.

(Amendment No. XXXIV.)

Proposed section 49M.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that in the proviso to sub-section (2) of section 49M, after the word "officer" in the second place where that word occurs, the words "or Court" be inserted.

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He said :—

" In this section the power of revision is given to any officer whom the Local Government may appoint in that behalf. It may so happen that the officer whose order will be revised, will be the District Judge and in such cases power is generally given to the High Court to revise it. I do not think that the word 'officer' is sufficiently indicative of a tribunal like the High Court. Therefore, I suggest that after the word 'officer' the words 'or Court' may be inserted."

The Hon'ble MR. CUMMING said :—

" I am sorry, Sir, that I do not quite realise why the Hon'ble Member desires to introduce this. Let us consider what are the powers of the Collector under this Bill against which provision for appeal is made in clause 49M. There is the first, 49F, provision of transfer; there is next in 49H, provision for ejectment, and finally in 49J, there is approval of re-settlement. It is laid down in 49M, that appeals should lie against the order of the Collector of the district, and then in the sub-section to which the Hon'ble Member refers, provision is made that an appeal may lie to such officer as the Local Government may appoint. Surely, it is natural that the officer, who would be appointed, would be one who would be in the chain of which the Collector is one of the lower links. Therefore, on the ground that the addition is unnecessary, and to some extent meaningless, I oppose the amendment."

The motion was then put and lost.

(Amendment No. XXXV.)

Proposed Section 49 O.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved that after the words "shall lie", in line 2 of section 49O, the word "in any Civil Court", be inserted.

He said :—

" The amendment, my Lord, is really a verbal amendment and it does not go against the objects of the Bill, but to make the Bill more clear. section 49O runs thus: 'Notwithstanding anything in this Act, no suit shall lie to vary or set aside any order passed by the Collector in any proceeding under this chapter except on the ground of fraud or want of jurisdiction.' I would add the words 'in any Civil Court' after the words 'shall lie' as the expression 'Criminal suit' is to be found in English statutes."

The Hon'ble MR. CUMMING said :—

" I accept the amendment."

The motion was then put and agreed to.

(Amendment No. XXXVI.)

The Hon'ble BABU KISHORI MOHUN CHAUDHURI withdrew the following amendment which stood in his name, namely :—

" That section 49P be omitted."

(Amendment No. XXXVII.)

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI moved that clause (*b*) of section 49P be omitted.

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He said :—

" My Lord, it is the same as the amendment I moved a few minutes ago on the retrospective effect of the whole chapter. My argument will be just the same as that in my previous motion. I have nothing particular to say, but as the Hon'ble Member in charge is going to meet me by giving me an undertaking that no publication will be made within one year, I would say then that if his intention is that no retrospective effect will be given in practice, why burden this Bill with more paragraphs?"

The Hon'ble MR. CUMMING said :—

" Sir, as regards the principle at stake I have nothing to add to what has already been said under clause 49K. As regards the burdening of the Bill to which the Hon'ble Member has alluded, I have already explained why, as a matter of drafting, sections 49K and 49P have been prepared separately. I, therefore, oppose the amendment."

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI said :—

" Does the Hon'ble Member give an undertaking that it will not be notified within one year and state how that undertaking will be put into practice?"

The Hon'ble MR. CUMMING said :—

" Sir, obviously my remarks regarding the other case are equally applicable to this; and, as to how the undertaking will be carried out in practice, if an officer of Government speaking in this Council gives an undertaking, I do not think that his successor will repudiate it."

The motion was then, by leave of the President, withdrawn.

The Hon'ble MR. CUMMING moved that the Secretary be directed to re-number the clauses and sub-clauses of the Bill in consecutive order and make corresponding alterations in all cross references thereto.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said :—

" My Lord, can a motion be made under rule 46 of the Business Rules now?"

The PRESIDENT said :—

" I think it would be better to dispose of this formal motion now. After that a ruling will be given on the point raised by the Hon'ble Member."

The motion was put and agreed to.

The PRESIDENT said :—

" The Hon'ble Member asks whether it is now possible to make a motion under rule 46 of the Business Rules. I understand that under clause (*2*) of rule 47, an Hon'ble Member desires to object to the motion that the Bill be passed be taken to-day. If that is so, the next stage of the Bill will be postponed to a further meeting of the Council, and it will then be in order for any Hon'ble Member to send in a motion under rule 46. Unless the objection is made to-day, I think the Hon'ble Member would not be in order in moving a motion under rule 46, because if he will turn to rule 21, he will find that the Member who wishes to make any original motion on a Bill, must either give notice of his intention at the next previous meeting, or send such notice to the Secretary ten days before the day of the meeting at which he intends to make the motion."

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The Hon'ble BABU BHABENDRA CHANDRA RAY said :—

"My Lord, as certain amendments have been made, with your Excellency's permission, I object to the Bill being passed to-day under Rule 47 (2) of the business rules of the Bengal Legislative Council (page 167 of the Bengal Council Manual). From the many amendments brought forward by the Hon'ble mover in charge himself it is evident that the Bill was rushed through the Select Committee and that proper attention was not paid to it. Some important changes, such as the enumeration of certain particular classes in the Bill have substantially altered it and no reason according to Rule 37(2) of the Business Rules of the Bengal Legislative Council for inserting these particular names have been stated.

My Lord, for all these reasons we want little more time to consider the Bill in all its aspects and propose further amendment if necessary. My Lord, as the Bill is not of any urgency I hope your Lordship will be pleased not to exercise your extraordinary power of suspending the rules and to allow the Bill to be passed to-day.

The Hon'ble Member in charge has said that I have taken advantage of this particular section only to delay the matter as a matter of fact."

The PRESIDENT said :—

"As I read rule 47 an objection on these grounds will be valid unless the Hon'ble Member in charge can show any urgent reason why the Bill should be proceeded with to-day. Before, however, passing a final order on that ruling, I would like the Hon'ble Member in charge of the Bill to show cause, if he desires to do so, why the Bill should be proceeded with to-day."

The Hon'ble MR. CUMMING said :—

"Sir, I was unaware until about half the amendments had been disposed of that the Hon'ble Member desired to make this objection. Undoubtedly he is in order as the rule of the Council lays down that the burden of proof shall be upon the member of Government to show that it is absolutely necessary that the Bill should be proceeded with to-day. This Bill is not a matter of life and death, but at the same time I should like the Hon'ble Members to realize that this legislation has been asked for over 40 years, that it has been the result of a special inquiry made by a very able officer in the year 1909, and that it has been no less than three times circulated all over the Province. I do think, therefore, that it is asking a great deal by taking advantage of this particular rule to move the Council not to pass the Bill at this sitting. I cannot urge, however, that any untoward happening will ensue if the Bill be not passed to-day. I may state that there are few pieces of legislation which have been so carefully considered and which have been the result of a very definite local demand as this one has been. All those locally concerned, both officials and non-officials, Sonthals and non-Sonthals in the area concerned, are convinced that very prompt legislation of this nature is required; nay more, the Sonthals themselves are most insistent on this point. Yes, they appeal to us 'do come and protect us', 'come over and help us'. If the members who represent the Indians in this Council think that their appeal should not be listened to, I have nothing more to say. But I think that it is taking an unfair advantage of the power that the rule gives to the Hon'ble Member."

The PRESIDENT said :—

"Does the Hon'ble Member desire to press his objection?"

The Hon'ble BABU BHABENDRA CHANDRA RAY said :—

"Yes, my Lord."

The PRESIDENT said :—

"The next stage of the Bill will be taken in the January meeting of the Council."

The Bengal Public Demands Recovery (Amendment) Bill; The Bengal Primary Education Bill.

Mr. Cumming; Babu Surendra Nath Ray.

THE BENGAL PUBLIC DEMANDS RECOVERY (AMENDMENT) BILL, 1917.

LIST OF BUSINESS—ITEMS Nos. 4 & 5.

The Hon'ble MR. CUMMING presented the Report of the Select Committee on the Bengal Public Demands Recovery (Amendment) Bill, 1917, and moved that the said Report be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. CUMMING also moved that the Bill be passed.

The motion was put and agreed to.

THE BENGAL PRIMARY EDUCATION BILL, 1917.

LIST OF BUSINESS—ITEMS Nos. 6 & 7.

The Hon'ble BABU SURENDRA NATH RAY moved for leave to introduce a Bill to provide for the extension of primary education in all municipalities in Bengal and in other selected areas in Bengal.

He said :—" My Lord, I beg leave to introduce my Bill for making primary education compulsory within the municipalities of this Presidency including the Municipality of Calcutta and to selected areas within the jurisdiction of the District Boards which have been constituted into Union Committees under section 38 of Bengal Act III of 1885. The question of compulsory primary education has been one of the most difficult questions for every civilised Government to deal with but we find that all civilised Governments have taken up the question as best as they can. With the progress of civilisation we feel the necessity of training the mind from the purely physical needs of the body and we can train the mind of the people by educating them. In these advanced times, when there is a keen struggle for existence, uncivilised and uneducated nations are bound to die out. We no longer hear of the Red Indians who at one time spread over the whole continent of America. Education can only enable a nation to survive the struggle for the fittest. If the masses of the Indian people do not see the light of education they also will in course of time cease to exist as a nation. But the masses cannot be educated in one day nor can they be expected to acquire the higher standard of education. The signs of the times indicate that unless early steps are taken to educate the masses of the people of India in however rudimentary a form they would not survive as a nation.

The masses may be roughly divided into two classes, viz., the agricultural class and the workmen or the labouring class. It is education which develops the faculties of men, helps them in the formation of regular habits and these qualities count a great way in the future prospect both of the agricultural and workmen class. I want, however, to impress upon this Council that education in however rudimentary a form, *i.e.*, reading, writing, and arithmetic imparted to the masses will not only be a great help to them but also enable this country to hold its own in the near future in respect of agricultural and industrial development against foreign competition. It has been said that from 'the standpoint of the nation as a whole, as organised in the State, and, therefore, also from the standpoint of the monarchy, there can be no doubt that it is in its own interest that all national forces should be developed to their utmost capacity in order that they may the better subserve the ends of national self-preservation and self-realisation. As things now are in the civilised world a nation lagging behind in this respect is bound to be overtaken by its more energetic neighbours. For no one can entertain any doubt that in the great struggle for national dignity and power, those nations will be best able to hold their own which best look after the training and

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education of youth by insisting on a high standard of efficiency in the schools.' It is also necessary that the masses of the people should take their proper share in the political advancement of the country and for this reason some education is necessary. There can be no greater misconception than to suppose that 'the ignorance of the masses is the best guarantee for a firm Government'.

In ancient times the goal of education was to make the rising generation fit for the State. It was expected that the citizen would be able to help the State in times of peace and war when required and in fact apart from the State they would have no separate existence. This was also the idea pervading Plato's Republic where he brings in the question of Philosopher King and the Community of men. In the Mediæval ages the dominating influence of the Church shaped the education of the times and it was considered that the object of education was to render the citizens fit for the Church, *i.e.*, for the eternal kingdom of God and the training was rather of religious and ecclesiastical character. In modern times, however, the interest of the individual has grown to be of more importance and to educate a man as a reasonable being free to determine his own life has grown to be the dominant ideal.

Education is now compulsory in most of the European countries. In England elementary education had no national importance till certain voluntary societies took up the work. It was the society for promoting Christian knowledge which handed over its purely educational work to the National Society for promoting the education of the poor in the Principles of the Established Church. It was in 1833 that the first Government grant of £20,000 was voted for education. In 1839 a Committee of the Privy Council was appointed to administer the education and thus originated the Education Department. By the Education Act of 1870 three new principles were introduced into educational legislation—a compulsory local rate, a representative local authority and compulsory attendance of children at school. School Boards were to be established where the school accommodation was insufficient, or where an application was made by the electors. Compulsory attendance could be enforced if the Board desired, but no provision was made for compulsion apart from School Boards which were not bound to include religion in their course of instruction. The Act of 1870, however, left full liberty to the schools attached to the several churches to give to their scholars the distinctive dogmatic teaching to which the managers attached special importance provided that the secular instruction should fill four-fifths of the day's exercises and should be thoroughly efficient. On these conditions the State recognised voluntary schools and made liberal grants for their maintenance. In consequence there was not a remote corner in England or Scotland where the inhabitants were not within reach of a public elementary school under Government inspection. A later Act in 1876 enforced it to be the duty of every parent to send his child to school between the ages of 5 and 14, forbade employment under that age except to those who procured a labour certificate and provided that indigent parents might claim from the guardians the payment of school-fees. In 1880 Mr. Mundella's Act established direct and universal compulsion, and empowered the local school authorities to enforce it. In 1891 Sir William Hart Dyke's Act practically abolished the payment of school-fees and thus threw upon the State the duty of compensating school managers for the loss of nearly two millions of annual revenue hitherto contributed by parents. A subsequent Act in 1896 provided a special aid-grant for the further relief of voluntary school managers. Later legislation during the administration of Lord Salisbury had the effect of altering materially the proportions in which the educational revenue is provided. In the year 1899-1900 the contribution from public sources including the grants from the Treasury and from the local taxation amounted to £11,106,735 out of a total expenditure of £12,336,986. These financial

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changes had not been without an important influence on the character of elementary education. It should be remembered that the department does not appoint or dismiss the teachers, nor pay them, nor recognise them as civil servants. The curriculum of instruction is largely in the hands of the local managers and from the first the main influence of the Education Department has been exercised through its methods of awarding grants to those bodies. In fact during many years the prime function of the department was not to direct education or to set up a national system but to distribute grant-in-aid of local effort, and to do this on a graduated scale under such conditions as would stimulate improvement and ensure to the nation a good educational return for its expenditure.

Education, specially primary education, has made great progress in Germany and France. In the beginning of the seventeenth century primary education was made compulsory in some of the smaller States of Germany and boys and girls between the ages of 6 and 12 were required to attend throughout the year except at harvest time. At first the enforcement of compulsory education met with serious obstacles in those countries partly owing to poverty and also because of the carelessness, indolence and obstinacy on the part of the parents. There were also difficulties in the way of introduction of compulsory education due to overcrowding of schools and the insufficient training of teachers. Besides public schools there was a very large number of private schools in the towns which seem to indicate that there was a demand for them. Although many of the primary schools of the century hardly deserve the name of educational institution compulsory school attendance paved the way for that uplifting of the masses which was accomplished in the nineteenth century. The general character of the period was marked by the steady progress of the masses and the spread of democratic spirit. The aristocracy had lost its former predominance. 'With the progress of commerce and manufactures personal property grew in extent and the middle classes attained legal and political equality. The Parliamentary representation of the people was, no doubt, originally intended to bestow on the well-to-do and educated middle classes, the influence which was their due. During the second half of the century a new movement began to make itself felt, the rise of a 'Fourth Estate'. With the rapid growth of large towns and capitalistic enterprise in the industrial world, with a steadily improving standard of life and education, these masses, *i.e.*, the labour party, constituting the political party of social democracy officially recognised as members of the political organism by the establishment of universal suffrage, have become an important factor of social and political life'.

It is said that in Germany the increasing prosperity of the training colleges and the primary schools was due to the earnest and elevating belief that it was a sacred duty to provide a proper training of youths, a true education of the whole people.

We find that in the United States education is highly prized, and next to primary it is here that the science of education is most widely studied. Each State makes its own educational arrangements, but there is a general uniformity of classification of the schools into elementary, secondary and University. Education is compulsory in some States but it is felt that the citizens appreciate education so highly that it is not necessary to enforce attendance at school.

I have given a brief history of the development of primary education in some of the countries of Europe and in the United States of America, which shows how education has developed in those countries.

The history of primary education in this country is not very clear. We had no doubt our seats of learning in Ancient India, but we do not know and are not in a position to say how far the masses of the people participated

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in education, or more correctly speaking primary education in the sense in which it is used now. The Permanent Settlement of 1793 recognised in perpetuity the rent-free grants of land enjoyed alike by the Sanskrit *tols* and Muhammadan *muktabs*. It was, however, during the administration of Lord William Bentinck that in the year 1835 there was a widespread enquiry in the then existing state of popular education. Mr. Adam who was placed in charge of the enquiry estimated the number of village schools and *pathsalas* at about 100,000 in Lower Bengal and he earnestly pleaded for the instruction of the people. We find, however, that no general effort was made to assist or improve the indigenous schools for a number of years. It was in 1853 that the 'Circle System' was introduced which had for its immediate aim the improvement of the indigenous schools and masters. We find from the Report of the Indian Education Commission of 1883 that in 1870-71, excluding the primary classes of secondary schools, there were in Bengal only 68,500 pupils in primary schools recognised by the Department, while in 1881-82 there were nearly 900,000. Still the proportion of public funds, including the term provincial, local and municipal funds, spent on primary education was by far the lowest in any province in India, being 13 per cent. less than in the Punjab, and 27 per cent. below Bombay.

That something has been done within recent years for the promotion of primary education cannot be gainsaid. But a great deal more ought to be done. 'We are all in agreement that primary education should be further extended' said by His Excellency the Viceroy at the last Conference of Public Instruction in January last.

I need hardly say that the state of primary education in this Presidency is far from being satisfactory. The total number of pupils attending primary schools on the 31st March, 1917, was 1,124,109, of these 550,806 were Hindus and 552,589 Muhammadans. The Hindus have now 32·7 per cent. of their boys of school-going age in primary institutions, and the Muhammadans 28·9 per cent. It is a matter of congratulation that the Muhammadans have made such progress and are running an equal race with their Hindu brethren.

I do not want to enter at present into the details of the financial side of the question. It is true there is a section in the Bill, section 17 (1) about the imposition of an 'Educational Cess', but the cess is to be imposed if the existing resources of the local body or any grant from Government are not sufficient to meet the cost of such primary education. I have provided in clause (5) of the section that 'whenever an education cess is levied within any area primary education shall be made free within that area'.

To impart education to the masses is the primary duty of Government. The people of this Presidency contribute very largely to the development of primary education. Even the Director of Public Instruction in his last report said 'What is imperatively needed, especially in the Presidency and Burdwan Divisions, is more schools of some stability. This can only be effected by much larger contributions from public funds. The pupils already contribute 56·3 per cent. of the funds. They cannot in fairness be asked to contribute more'. I need hardly say that we shall have to depend for the furtherance of primary education mainly upon the revenues of the country.

The municipalities of the Bombay Presidency are in receipt of handsome contributions from Government and for that reason they can very well afford to forego any help from Government for promoting primary education, but such is not the case with the municipalities of Bengal. In Bengal, primary education will not make any progress without material support from Government.

In the Bombay Act, primary education is sought to be made compulsory within the municipal area of the Bombay Presidency except that of the town

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of Bombay itself. I want, however, to introduce the provisions of the Bill not only to what I may term mufassal municipal area, but also to the city of Calcutta and to Union Committees, because there are places which, though they have not been constituted as municipalities, are still centres of trade and are busy haunts of men and where the benefits of primary education may with advantage be introduced.

I have made this Bill applicable to 'boys' only and not to 'girls'.

In one of his addresses on Education and Empire, the Right Hon'ble Mr. Haldane (now Lord Haldane) said 'Educate your people and you have reduced to comparatively insignificant dimensions the problem of raising the condition of your masses'.

I need hardly say that the above remarks apply equally to India. Some of the Indian States such as Baroda and Mysore have already taken up the work in right earnest and have made considerable progress."

The motion was put and agreed to.

The Hon'ble BABU SURENDRA NATH RAY also moved that the Bill be circulated for eliciting opinion thereon.

The Ho'ble SIR S. P. SINHA said :—

"My Lord, at this stage I desire to say very little except to congratulate the Hon'ble Member on having the privilege to introduce this Bill in this Council, so that Bengal follows at any rate if she does not lead the other provinces in introducing this necessary and long due measure. As the Hon'ble Member has observed, the necessity for universal primary education is admitted, on all hands, and the question has been hitherto one of ways and means. It is because the Hon'ble Member has sought to tackle, if I may use that phrase, the problem of problems—the question of ways and means by providing that municipalities should be able to raise the means for this purpose. it is because he has tried in this Bill to solve that problem in that way, that I specially congratulate him. My Lord, the Hon'ble Member quoted some interesting figures comparing what has been done in other provinces in the way of contribution for primary education, with what has been done in Bengal. It is true that the contributions in other provinces for the purpose have been very often larger than those in Bengal, but I think in fairness it ought also to be stated that the contributions for the purposes of secondary education and higher education have been in Bengal much larger than those of the other provinces. Perhaps in so contributing we have not sufficiently taken care of the interests of the poor; perhaps in doing what we have done, we have pampered the classes who ought to be able to look after their own education. I consider the introduction of this Bill a good augury for the day when the classes now called the educated classes will direct their energies for the purpose of impressing upon Government the necessity for spending all the money they can, not upon the education of the privileged classes so much as on the education of their poorer brethren. I also look forward to the day when it will be possible for the Hon'ble Member or some other Hon'ble Member to add to the Bill, or bring in another Bill for the purpose of including a not less important section of the community, viz., our girls, within the purview of this Bill, for until that is done, I do not think we shall be able to claim for ourselves, the same position and the same footing of equality with the civilised nations, the history of primary education among whom my Hon'ble friend has very pertinently referred to to-day. With these few words, I desire to commend on behalf of the Government this Bill for the earnest consideration of the Council and the country at large, and I trust that on all hands there will be the same burning desire as that which inspired my friend to-day to contribute each one to the best of his capacity for the purpose of providing education for the poor."

The motion was put and agreed to.

Resolutions.

Rai Radha Charan Pal Bahadur ; The President.

RESOLUTIONS.

LIST OF BUSINESS—ITEM No. 9.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

" My Lord, before I move the motion that stands in my name, I beg to make an humble and respectful submission to Your Excellency. This is a very important resolution which is agitating my community at the present moment. My Lord, we have had a full day's work from 11 o'clock till nearly 5 o'clock. I am sure not only Your Lordship, but other members of this Council are quite fatigued after a whole day's strenuous and hard work. My Lord, when you made you able, interesting, eloquent and impressive speech on this matter, Your Lordship came from your breakfast table to the Council Chamber. Now, My Lord, after a full day's work to take up this important question, in which I understand many of my friends on the non-official side will take part, will be inflicting a very great hardship on us. I appeal to Your Lordship's sympathy—I should say mercy—and crave Your Lordship either to postpone this resolution either to to-morrow's meeting or to the next meeting of the Council, and direct the Secretary to put this as the first item on the agenda. I make this humble submission to your Excellency and make a candid statement of our present position at this time when the sun is about to set."

The PRESIDENT said :—

" The Hon'ble Member's idea of a hard day's work does not coincide with mine. We have only sat since 11 o'clock, we have had one hour's interval and it is now nearly a quarter to five. If the Hon'ble Member will do some arithmetic, he will find what his hard day's work consists of ; it is only 4 or 5 hours' work. I do not think the Council as a whole has had an unduly long day's work. I would suggest that the Council should at least sit for some little time longer ; some Hon'ble Members have come from a long distance to attend the Council, and the Hon'ble Member is of course perfectly aware of the rule that resolutions should be taken up at the end of the other business of the day. It was always the intention that resolutions should be taken up after the other business of the day had been dealt with. In these circumstances, I would suggest that the Council should at least sit a little longer before adjourning."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

" My Lord, I bow to your Excellency's decision."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that an advisory committee of officials and non-officials consisting, among others, of an Indian Judge of the High Court and a practising member of the Calcutta Bar, be appointed to investigate into and report on all internment cases that have already taken place and that may take place in future and to recommend in each case—

(a) the place of detention ;
(b) the allowance to be granted to the *détenu* and to the members of the family as may be deemed necessary ;
(c) the educational facilities which may be required in particular cases ;

and that the said advisory committee be empowered to co-opt any resident in the district wherein the persons effected live and who, in their opinion, is likely to be of assistance in the investigation and examination of the case.

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He said :—

"I would like to clear my ground before I enter into the merits of this resolution. We listened with very great attention to the interesting, able, and eloquent and impressive speech that Your Excellency delivered at the last meeting. We could not at that time quite follow what was actually intended to be done by Government to meet the public demand on this subject. Subsequently we had an opportunity of reading Your Excellency's speech and also of reading in the newspapers an official *communiqué* on the subject and we find that the Governor General in Council has been pleased on the recommendation of Your Excellency's Government to appoint a Committee presided over by an eminent judge of Great Britain and some of my countrymen, not only from Bengal but in other parts of India to investigate and to find out whether there is any widespread criminal conspiracy in India and whether any legislation is necessary to cope with the evil. My Lord, we have nothing to complain about this; in fact, we welcome such an inquiry, but, My Lord, at the present moment, what we want is not merely an inquiry of the sort which has now been instituted by Government, but something more.

"My Lord, at the last Budget debate, while approving the detention of dangerous characters, I expressed a hope that a Committee may be appointed to investigate and inquire into the cases of suspected persons before their liberty is taken away and they are interned, causing distress, desolation and despair in their homes. Your Excellency with your high statesmanship and keen insight at once found out that there was not much difference between the Government and the public in this matter—the difference being only in the method of investigation of the cases. We are grateful that the attitude of the community is not misunderstood. Not merely loyalty to the British constitution and allegiance to the British Crown but our self-interest and self-conservation demand that peace and order should reign undisturbed throughout the length and breadth of the land. Anarchism must be suppressed. The political, social, moral and material advancement of the country cannot go on if the canker of anarchism finds lodgement in its body politics. When we remember the crimes against law and order that took place in the country we cannot but feel that it is our duty, in our own interests, to rally round the Government and to strengthen its hands in suppressing them. Economic causes may have brought forth this malignant disease, but that is no reason that it should be allowed to grow to the detriment of our lives and properties. This is the view of every British subject in this Presidency—nay, throughout India, who has a stake in the country. But the question which is uppermost in everybody's mind is, should not the Government change its method of dealing with the cases? I hope I may be pardoned if I say that there is a widespread and deep-seated feeling of discontent throughout the length and breadth of the country at the manner in which these cases of suspected persons are disposed of by Government. At present it practically rests with the executive officer, namely, an additional Secretary of Your Excellency's Government to act on the Police reports that are often-times based on the information of spies and informers. Although the ordinary law of the land can be moved to bring the suspected persons to justice, for want of proper legal evidence the Government are advised to resort to the provisions of the Defence of India Act. I do not mean to say that the decisions in these cases are all unjustified or arrived at without due deliberation and consideration. I fully appreciate the difficulties of Government. On the one hand they must protect the lives and property of the people and on the other hand they must safeguard the innocent from being the victims of mischievous and intriguing people. It is our duty, My Lord, to assist the Government with our advice and suggestion in this matter and I hope that our suggestion will be taken in the spirit in which it is offered. My Lord, there is a general and insistent demand growing daily in intensity and volume

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that the administration of this Act should not be dependent on the unaided judgment of a single executive officer however fair-minded and impartial he may be. It is a stupendous task—a serious responsibility is imposed on the shoulders of a single officer armed with the power of depriving any one of His Majesty's subjects of his liberty which is his birth-right, on the *ex-parte* and untested reports of officers who might be possibly misled by others. My proposition, without weakening the hands of Government in any way, suggests a course which will be in conformity with the procedure which I believe exists in England and which will to a certain extent ensure justice and conciliate public opinion. In the absence of a judicial tribunal, a *quasi*-judicial advisory committee should be appointed to advise the Government in each case. The whole object is that as action is being taken under exceptional circumstances and under a special law without the ordinary safeguards there should be some *quasi*-judicial authority substituted for the executive to guarantee that the liberty of the unfortunate man will not be lightly and without a most careful consideration, as far as the altered situation will permit, be taken away. I think a committee consisting of a judge of the High Court, a practising lawyer who capable of testing evidence, a high executive officer co-opting and a well known and well-informed resident of the district will be a perfectly independent and impartial body and will inspire the confidence both of the Government and the people. An Advisory Board with the co-opted local member will be in a better position to make a recommendation to the Government as to what allowance should be made to the *détenu* and to the family after due investigation of his pecuniary circumstances. As the application of the Defence of India Act merely restricts the movements of the persons interned and in the case of school boys the restrainment is made with a view to dissociate immature youths from evil companions without in any way intending to blast the future career of the youths or to cast an indeliable stigma upon them, it is hoped that the Government would take a paternal solicitude for their welfare and ask the Board to recommend what educational facilities can be arranged for the boy during the period of his internment. Such a committee will weigh with a full sense of responsibility all facts which will be brought to their notice. The analogy of a special tribunal may be taken as a proof to show how successfully a mixed tribunal has worked. The object of the Government and the people is the same, that the persons guilty or clearly suspected of commiting crimes should be punished or restrained. That object can be best attained by substituting the machinary of a *qausi*-judicial body in the place of a single executive officer. We are also anxious on behalf of the people to see that no injustice is done to any body by his liberty being curtailed on insufficient evidence and on mere suspicion. I am conscious that I am not addressing in vain your Excellency's Government in moving this resolution. Your Excellency is a representative of the British Crown. I know that it is repugnant to the instincts of the freedom-loving people of the British Isles to deprive any person of his liberty without trial. As in the absence of a regular trial the Government are liable to misconstruction and misunderstanding, we want the hands of Government should be strengthened by the appointment of the Advisory Board. I, therefore, earnestly hope that in the interest of Government as well as of the people Your Excellency may be pleased to accept the resolution."

The Hon'ble MR. AMINUR RAHMAN said :—

"My Lord, barely a month ago Your Excellency announced in this Council that the India Government has been persuaded to appoint a commission for the investigation of all matters connected with the anarchist movement in this country. It was also announced that the services of an eminent English Judge would be enlisted for the purpose. We have already

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seen the names of the gentlemen who are going to serve on this commission in the papers. Nobody will deny that it is a fairly representative body and consisted of men who stand very high in the estimation of the people. The very fact that the Government have at last agreed to let non-officials into the secret ought to disarm the suspicions of those who have held that the Government was pursuing a policy of unscrupulous repression. Even if there be some reasonable grounds for such suspicion one ought to suspend ones judgment about the policy of Government specially with regard to the arrest and internment of suspected persons until the commission has published its report on these matters. Any Committee that may be appointed by this Government will be placed in exactly the same position as the commission in regard to the facilities for the purpose of investigation and the materials that they will have to work upon. I do not think two separate bodies differently composed will come to two different conclusions if the facts and figures in connection with these matters are fully and honestly placed before them. For this reason I maintain that the establishment of a Committee for the purpose of investigation and report is absolutely unnecessary. The resolution goes further. It suggests that a Committee be empowered to make recommendations on each individual case about the place of detention, the allowance to be granted to a *détenu*, etc. If we agree to the appointment of such a Committee, we have to assume that the present machinery is not working satisfactorily. In Bengal there is a strong prejudice against the Police and probably in some cases one can easily justify ones opposition to the system of Police administration. It may be that for this very reason even great public men who generally make a generous allowance for the frailties of human nature and the foible of a time-worn system have begun to denounce the Police. As for myself I cannot ascribe a policy of vindictive savagery to any responsible department of the Government. But I do think that there are cases where some unscrupulous and villainous members of the Police force have acted with an utter disregard to the feelings and prejudices and comforts of the *détenus*. I must say at once that I do not know of any such cases myself; but one cannot easily disregard the version given by eminent and responsible Indian leaders about individual cases of Police oppression that have come under their notice. One such case of wilful neglect of the health and comfort of a prisoner in any European country would be sufficient to create an agitation far more vigorous and probably far more impressive than any the Government has to deal with in this country. The people who are ignorant about the circumstances that lead to these arrests and who are kept in the dark about the conditions surrounding the life of these men naturally accept the statements of their leaders and feel compelled to bring them before the Government and urge on them the necessity of adopting some measure of reform in this respect. But there are difficulties in this way of the pursuit of the object which my Hon'ble friend has in view. In the first place any committee formed in Calcutta cannot conscientiously give any judgment about any of the matters enumerated in the list without the members themselves investigating on the spot the condition of the place of detention and the circumstances of the family. If they are not in a position to do that then they also may make such errors of judgment or unwittingly commit an act of injustice equal in gravity to any committed by the Police. The mere co-option of residents of different districts will not improve matters, as these also will have to labour under the same disadvantages. If the Hon'ble Member can suggest any way of avoiding these difficulties I may be inclined to support his resolution; but as it stands it has these obvious defects.

The Hon'ble BABU BHABENDRA CHANDRA RAY said :—

"My Lord, when at the last meeting of the Council the consideration of this resolution was postponed, it was with a view to enabling us to take stock of the situation created by Your Lordship's announcement of a Committee to

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which the whole matter of internment would be submitted for 'investigation and decision'. The constitution and terms of reference of this Committee have since been published. And it cannot have escaped your Lordship that the announcement in this behalf has failed to evoke any great interest among the public. So far as the personnel of the Committee goes, it may be unexceptionable in one way, but it certainly admits of improvement. The main purpose for which the aid of the Committee seems to have been invoked is the determination of the lines on which some permanent criminal legislation may be undertaken, if necessary, to meet the situation. This appears to have led some people to believe that there is no want of resolution on the part of the authorities as regards such an extraordinary legislation, and that it is expected that the newly appointed Committee will perhaps lend the weight of its high authority to any legislative proposal which Government may have up their sleeves. This may be a mere phantasy, but, My Lord, there it is in the popular mind. And I think it my duty to draw Your Lordship's attention to this matter, and I hope that something will be done to reassure the people as regards the intentions of Government.

To avoid misconception, I shall at once say that I admit the necessity for arming the executive with some emergency powers in a crisis like the one through which the Empire is now passing. But what we insist on, and what the present resolution asks for, is that we the non-official community are to be associated with the executive in the administration of these extraordinary powers. The very fact that the present demand was not put forward before now is ample proof that we were never in a mood to lightly interfere with the authority of the executive; and that circumstances must have happened which do not permit us to acquiesce in the present system of administration of the Defence of India Act any longer. A somewhat similar demand was embodied in a resolution which was very ably moved in the Imperial Legislative Council by Mr. Dadabhoy in February last. Sir Reginald Craddock who replied on behalf of Government pointed out that even in England the order of internment is issued by the Secretary of State before reference is made at all to the Advisory Committee constituted under the Defence of the Realm Act, and that no such reference is made except when any individual interned has made a representation. My Lord, I must admit that the functions of the Committee which we now suggest will be of a more enlarged nature than those discharged by the Advisory Committee in England. It must be remembered that the operation of the Defence of the Realm Act affects only aliens and persons of alien associations, whereas the Defence of India Act is admittedly being made use of for dealing with the children of the soil. Moreover, the British police, on whose report action is taken in England, command greater confidence of the public than the Police here. Then again, if the truth must be told, the Home Secretary in England, being one of the people, enjoys greater confidence than our executive here, which is less pervious to the influence of public opinion. Our experience of the manner in which this war measure has been made use of, tells us that the Criminal Investigation Department in its capacity as the custodian of official conscience has had everything in its own way. And we would be failing in our duty if we were to maintain an attitude of indifference any longer.

The effect of the indiscriminate and reckless use of these extraordinary powers in Bengal was feelingly described by Mr. Bhupendra Nath Basu from his seat in the Imperial Legislative Council. And I cannot resist the temptation of repeating his eloquent words in this connection. 'If I could', said Mr. Basu, 'if I had the power and ability of placing before the members of this Council the scenes of desolation and sadness that pervade in the country homes of Bengal; if I could place before you the agony, the despair of sorrowful and bereft families; if I could place before you the discontent spreading from home to home, from hamlet to hamlet, from village to village, from city to city in Bengal;

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if I could place before you what the future impression will be if things like these are allowed to go on from day to day; then I am sure we should find a ready response in support of the resolution so ably moved'. My Lord, the Hon'ble Mr. Cumming would perhaps characterise it as 'oriental hyperbole'; but this picture represents only too faithfully the state of things about a year ago, and the situation has certainly been aggravated now. Sir Reginald Craddock, with almost a chuckle of complacency, admitted the accuracy of the picture drawn. He said: 'I feel myself, Sir, and I think probably many of the Council will feel also that the harrowing scenes such as these, the truth of which I do not dispute, make it all the more imperative and necessary that all of us should do our best to check the young men of this kind being misguided and led astray'. The determined, heartless policy which this cold-blooded attitude of Sir Reginald Craddock's typifies, has since levied its toll of tragedy in the shape of suicide, insanity and early death among *détenus* in Bengal. My Lord, picture to yourself a bright young man of good lineage, scarcely out of his teens, with a brilliant career before him—the delight and promise of his parents, and the future hope of his country—a loving friend and comrade—a spotless character, noble and sweet—the very pattern of youth. But perchance there lurks the faintest trace of suspicion against him in a pair of police brows, and his liberties are restrained without much time being wasted in useless enquiries The grounds of suspicion, even according to the Code of the Criminal Investigation Department, are not apparently very serious, for we find him 'domiciled' with his parents—a rare indulgence, though it is enough to cut short his studies in which he has so long excelled. Some little time elapses, and it pleases the authorities to remove all restraints imposed on him, for quite as mysterious reasons as led to his internment. The absolute innocence of the boy was perhaps no longer a matter of doubt to any one. He is set free, but only in theory. For we find the relentless emissaries of the Criminal Investigation Department dogging his steps with unabated zeal, taunting him at every turn, warning him off the company of his friends, subjecting him in short to all the indignities of the worst felon. Another convincing proof of his restored freedom comes in the shape of an order prohibiting him from joining a college. We do not know, perhaps will never know, who really was responsible for this insensate order. Whether it were the local educational authorities, or some higher executive officials, who were guilty of this monumental indiscretion, we do not care. They will have to account for it before their God. But the result is that an unutterable sense of helplessness, degradation and despair comes upon the youth. The alluring prospects of an honourable and useful career are blotted out, leaving the horizon a perfect blank. Life loses all its attractions for him, and he seeks repose in death.

My Lord, who after all is responsible for the suicide of Sachindra? Is it not the soulless system of indiscriminate internment and espionage? This unfortunate young man employed his last moments in this world in framing as severe an indictment against the present administration as ever was framed by martyred humanity. Does your Lordship care to know how this case of suicide has stirred the inmost heart of Bengal? 'A throbbing of life will be felt in the country at my death', thus predicted Sachindra—and how truly predicted it! 'I shall thank God if my death be of any help to any one similarly circumstanced with me',—thus wrote he almost with the last drop of his blood. Will the last appeal of this young man fall on unheeding years?

My Lord, as I speak, there rises before my mind the vision of a score of my countrymen who have abstained from food for some days past as a protest against their detention and the treatment accorded to them. The condition of some of them is grave, but I am relieved to learn to-day that at least one of them has taken food and his life has been saved. They may be quite wrong in the step they have taken, but Your Lordship should take note of the seriousness of the situation which this indicates.

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There are people whose blind wisdom leads them to deny the staring existence of things which they dislike to own. It pleased the Hon'ble Sir Henry Wheeler to have a fling at the non-official members of this Council who interpellate Government about the working of the Defence of India Act. He made the statement that 'the answers that they have given should have dispelled any uneasiness which might be created by the questions themselves'. If Sir Henry meant to be humourous, I think he could not have chosen a more improper occasion. If Your Lordship believes me, the questions, far from causing any uneasiness themselves, represent very imperfectly the state of unrest and alarm that exists in the land on account of the administration of the Defence of India Act and of the alleged unfair treatment of *détenus*. If I were permitted to retort to Sir Henry Wheeler, I would say that it is the answers that are given which increase the uneasiness among the people. The questions offer opportunities to Government to explain things; and if the answers are vague and given most grudgingly and in a fencing manner, they cannot satisfy the people. When for instance, any request is made for certain papers or some other information in connexion with the suicide of any *détenu*, and Government give a flat refusal, it does not certainly tend to dispel the uneasiness that exists independently of the questions. Fortunately for the official benches, the Indian Evidence Act has no application to our proceedings here. Otherwise, in these circumstances one might presume that when a person refuses to answer a question, or to produce any evidence called for, the answer or evidence if given would be unfavourable to him.

My Lord, if you are anxious to remove misconceptions from the mind of the people, you must make a radical change of the system now in vogue. Your Lordship was pleased to state at the last meeting of the Council that in future cases the papers would be placed before two judges for their opinion. Why not let us have a duly-constituted Committee that will inspire greater confidence of the people, to deal with all present and future cases, as suggested in the resolution now before us?

The Hon'ble BABU SURENDRA NATH RAY said:—

"I should like to say a few words with reference to clause 1 of the Resolution, viz., the clause as regards the detention of *détenus*.

Two or three letters were shown to me by the fathers of two of the *détenus* confined in cells. In the letters the boys complained of their lives in solitary cells and if I remember aright they said that their mind might be unhinged any moment that life had become unbearable. Some of the *détenus* have been kept confined in cells for months and months. What is the ordinary law on the subject of solitary confinement as laid down in the Indian Penal Code and which is only applicable to the most hardened criminals in the land. Under section 73 of the Indian Penal Code a man can in no case be kept in solitary confinement for more than three months and section 74 of the Penal Code limits the period of solitary confinement. The section lays down:—

'In executing a sentence of solitary confinement, such confinement shall in no case exceed 14 days at a time, with intervals between the periods of solitary confinement of not less duration than such periods, and when the imprisonment awarded shall exceed three months' solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not

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less duration than such periods'. So that in no case a criminal, whatever his punishment may be can be, kept in solitary confinement for more than three months and never more than 14 days at a time with intervals of at least 14 days. It is, therefore, not surprising that some of the *détenus* have become mad or have committed suicide.

I think that steps should be taken by Government that the political prisoners, whatever their offences, may at least be treated in the same way as the worst criminals of the land are treated under the Indian Penal Code. I do not ask for a better treatment or for a better place of detention than that of ordinary criminals.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"My Lord, I should like to say that the internments have had a very wholesome effect on the country. We are safe as regards our lives and property as a result of the internment policy, and I, therefore, congratulate Your Lordship's Government, and especially the Government which preceded Your Lordship's arrival in this country for the steps taken to intern a large number of suspected persons ; at the same time I must own that the feeling in the country is that a large number amongst these interned persons are innocent ; that feeling is growing, and a growing feeling like this leads to discontent, and it is not desirable nor right that a wise Government should allow such discontent to grow. If the mover of this resolution has urged that an Advisory Committee should be appointed on the lines as prevail in England I do not quite see the precise objection to this suggestion being adopted. True, there is here in such cases a machinery for coming to a conclusion as to whether some particular person who has been arrested is guilty or not, and whether he should be interned or not, but there is a great difference between the opinion of an executive officer who performs this function at present and the opinion of a person who has been trained in judicial habits of thought, and the longer, My Lord, we delay in forming an Advisory Committee, the longer this discontent will grow. I am not following exactly my friend the Hon'ble Rai Radha Charan Pal Bahadur in the personnel of the Committee ; it is not exactly necessary that a practising barrister or a resident of the place whence the interned person comes, should form members of the Committee. There might be some advantage in that ; I am not saying that unless you do so the country will remain discontented. If two experienced judicial officers with habits of thought which would commend themselves to the people at large are appointed, it does not matter if no practising barrister does not find a place on the Committee. At the present moment, besides the confessions to which reference has been made by Your Lordship on the last occasion, the majority of the persons, who have been interned, have been so placed on the basis of Police papers, and the opinion which the gentleman who has been detailed to do the business of examining these records, forms of the guilt or otherwise of the persons arrested. I quite believe that the Police of the present day is far superior and far better in their methods, and their hands are more pure than what used to be in this country years ago, but we cannot forget that their conduct does not come up to the mark which Police officers have maintained in England and whatever reliance you can place upon the Police in England, you cannot place that amount of reliance upon the Police in this country. Most people here are aware of the fact that some years ago Sir Andrew Fraser was travelling in the district of Midnapore in a carriage, and below his carriage some bombs exploded, and the Lieutenant-Governor narrowly escaped with his life. The Police were on the spot almost immediately and arrested some coolies working on the line as culprits. True to their instincts they secured the inevitable confessions from these coolies, and these persons were produced before the Magistrate, and then there was a committal to the Sessions, and the Sessions

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Court convicted them; there was an appeal preferred by these coolies before the highest Court of the land and the highest Court of the land comprising two of the best Judges confirmed the conviction. Just a year after that, there was the Maniktola bomb case in which certain people of education were arrested and they confessed that the placing of the bombs in the Midnapore district, to destroy the life of the Lieutenant-Governor, was done by them and not by the coolies, who had nothing to do with it. What did the Government do? The Government released the coolies; and came to the conclusion that the whole Police case was concocted. The persons engaged in investigating that case were not constables or head-constables, but superior Police officers, and here you have an instance as to how the Police work in this country. I for myself would be very cautious in acting upon Police papers. They are often useful, and they are necessary in order to know what has been done in the matter of investigation, but one has to be cautious, and the fact being so, and the fact that our countrymen who compose the Police force are not in their conduct such that you can say that they will always do what is just and proper and refuse to do what is not so, I cannot give that certificate of perfect integrity to my countrymen the Police officers. Therefore I say that you have to see that innocent persons do not suffer, and you have to see that by keeping innocent people in durance, that you do not allow the volume of discontent to grow."

The Hon'ble SIR HENRY WHEELER said:—

"Sir, when I received notice of the resolution which has just been moved by the Hon'ble Rai Radha Charan Pal Bahadur, I had some doubts as to its scope, and taking it in sequence to that which has fallen through owing to the absence of the Hon'ble Babu Akhil Chandra Datta, I imagined that the Hon'ble Rai Bahadur was concerned principally with the methods of dealing with men once interned under the Defence of India Act, granting that restrictions under that Act were required. It is evident, however, from his speech that he has paid but cursory attention to that side of the question, and has dealt mainly upon the larger issues whether Government is justified in taking action at all against the persons whom it has restrained under this Act, and upon the precautions which it should adopt and the advice with which it should fortify itself before taking action. That being so, the resolution really falls into two parts; and I will endeavour to deal with the larger issue first, although, as I have said, I imagined when I saw the resolution that it was mainly concerned with the second.

The proposal of the Hon'ble Rai Bahadur, as I understand it, is that in these matters, Government should fortify itself with the advice of an Advisory Committee, and although this resolution is not so specific as that of the Hon'ble Babu Akhil Chandra Datta, I gather that the Hon'ble Mover would like to have a non-official majority on that Committee, while from the tenor of his speech and the arguments that he has adduced, I think I am right in saying that he desires that the non-official element on that Committee should predominate. Well, Sir, before criticising that proposal, may I again repeat—and it is inevitable that I should, to some extent, recapitulate some of the arguments of which this Council are already aware—that it has never been the wish of Government to neglect any reasonably practical means of testing the value of the evidence against persons to whom restrictions under the Defence Act are applied, and it is absolutely inaccurate to insinuate, as is not infrequently done in some quarters, that action is taken casually on the uncorroborated statements of what are usually called Police spies. The papers are, of course, examined by Police officers; that is inevitable, but we have in this province appointed a special executive officer for the

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examination of papers quite independently of their scrutiny by the members of Government; and this Council is also aware that papers come before a judicial officer before orders are finally passed on them. These are in themselves valuable checks against mistakes, but, as is known, His Excellency has already stated that we are prepared to go further; we are referring the whole matter of the conspiracy in Bengal, under the terms of reference already published, to a Committee upon which there will be judicial officers of the highest standing, and it almost makes one despair when we are told that a Committee of that composition may be expected recklessly to endorse any scheme which, I think one Hon'ble Member said, Government may have ready up their sleeve. Apart from this Committee, we also contemplate referring all future cases of internment for the advice of a judicial committee of two Judges. and the adoption of that procedure is only awaiting the reply to correspondence which is pending with the Government of India. There are the precautions which we have already adopted and are adopting in the hope of meeting the doubts which have been expressed with moderation and restraint by the Hon'ble Rai Debender Chunder Ghosh Bahadur (the fairness of whose speech I quite recognise), and which we know are felt by people who are concerned about the administration of this Act. In addition to these precautions, the cases of those who have been restrained under the Act are constantly coming under the review of Government, and as Your Excellency mentioned at the previous meeting of Council, during the three months, August to October, no less than 65 persons have either been released on assurances of good behaviour or have had the degree of restraint over them mitigated. In fact, since the first enforcement of restrictions under this Act, the total number of persons who have been released from orders originally passed is 132. I would emphasise that process, which is a continuing one, and which largely depends on the conduct of these young men once they are placed under restriction, while it is a process we intend to pursue. But the proposal in the resolution is that we should go further and should adopt a step in the administration of the Act which would materially infringe upon the responsibility of Government for its enforcement. That is a position which we cannot accept. It was not contemplated by the Act when it was passed in the Imperial Council, while the Local Government, as such, are entrusted with the administration of the Act; and it is not a function of which we can absolve ourselves, however distasteful the steps that we have to take may be to us. Apart from the many serious difficulties that there may be in bringing before a Committee of the kind which the Hon'ble Member contemplates, information and matters which have been given to us in confidence, there is another objection to the proposal, and that is that at a time of stress and war like the present, when the internal peace and tranquility of the country must be maintained, it must rest with Government to take action towards that end on its own responsibility in accordance with the law of which the administration has been made over to it. We are fully aware of the non-official criticisms that have been directed against the Act and of which we have had expression to-night. We have done our best, as I have explained, to remove any grounds of suspicion for its misuse which trouble the minds of some Hon'ble Members, and we are anxious to carry public opinion with us in what we think right and necessary by giving the public as full a statement of the case as is practicable. This was done on several occasions in Lord Carmichael's time, and it has only recently been done by Your Excellency. With the approaching meeting of the Committee presided over by Mr. Justice Rowlatt, it cannot be fairly said that we have baulked enquiry; in fact we have invited it. But in so far as by the appointment of that Committee the whole matter is, so to speak, *sub judice*, I would ask Hon'ble Members whether they would not be better advised to wait for the results of the enquiry which is about to be undertaken, before

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raising points which cannot but create a certain amount of prejudice around the whole subject.

So much for the first part of the resolution. and although the Hon'ble Member has not dealt with the second at equal length, it stands as part of his recommendations, and I must allude to it.

His proposals under this head relate to the methods of restraint which are enforced over these young men. May I tell the Council what the procedure is that we now adopt? The number of persons at present under restraint is 793, of whom 189 are in home domicile and 584 distributed in various places away from their homes. Assuming that Government is satisfied that restrictive action is required, the first thing to do is to decide where the *détenu* should be located. If this course is considered safe, the lenient step is adopted of permitting him to remain in home domicile, that is, placing him under the supervision of his relatives. If that is not possible, he must be sent elsewhere. Lists of such possible places are in the possession of Government, and from them the responsible officer selects a locality which, having regard to the facts of the case, is most likely to be satisfactory in fulfilling one of the objects of the Act, namely, to keep the *détenu* away from the associations and surroundings which have led to his downfall. When he arrives at the place chosen he passes under the supervision of the District Magistrate and the Superintendent of Police, and it is the duty of the former to see whether the pecuniary circumstances of the youth require the grant of allowance. If after making enquiries into the facts he is satisfied that they are correct he is authorised to make a grant of an appropriate amount, and he merely reports the matter for confirmation by Government.

This explanation covers the first two heads touched upon in the resolution. The third concerns educational facilities. In order to give Hon'ble Members some idea of the special pecuniary allowances that are made, I may state that at present some 535 *détenus* and 68 families are in receipt of allowances, while the total amount so disbursed amounts to about Rs. 18,000 monthly. As regards educational facilities, it is possible that in the case of a boy who is domiciled in his home some sort of home tuition might be permissible, but that is not possible in the case of foreign domicile if it is a question of permitting the boy to attend an educational institution. If there is anything clearer than another in the literature of the revolutionary conspiracy, it is the importance attached by the organisers of it to the contamination of boys in schools. They have persistently directed their efforts towards that end, and their instructions by which they hope to attain that object are minute. The fact that a boy is proceeded against under this Act and is placed under restraint means that he has been contaminated, and in the interests of other innocent boys, who are happily in the majority and still attending school, it is not possible that a boy of this kind, at any rate during the period of his restraint, should be allowed to mix with others. It is a misfortune for him no doubt; but it is only a part of the penalty he is paying for his misguided action.

This explains briefly the practice relative to the locality of detention, allowances and education. At headquarters, we have a special officer deputed to do this work and nothing else, and the volume of the work involved can be judged by the fact that he is one of the most hard-worked officers in the Secretariat. That being the position, is the proposal of the resolution practicable? To it, I submit, there are two objections. My first objection is that which I have already mentioned in connection with the first part of the

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resolution, namely, that the administration of the Act rests upon the responsibility of Government, and it is one which we cannot consent to be delegated or impaired. The constitution of the Committee advocated by the Hon'ble Member is somewhat curious, and the proposal to entrust executive functions to a judicial officer is scarcely one which I should have anticipated as emanating from its present source, while personally I cannot appreciate the particular qualifications of a member of the Calcutta Bar to deal with these essentially local questions. But, apart from these details it is the point of principle, namely, the impairing of the responsibility of Government, to which I mainly take exception. I recognise that the Committee will comprise officials as well as non-officials, but from our point of view we have our accredited officers in the District Magistrates and Superintendents of Police, who are on the spot and best able to ascertain the facts, and I do not see why we should ignore their presence in these matters and place them before other officials in order that the latter may advise on questions for which they have no particular qualification, which are matters of local knowledge, and which are not immediately their concern.

My second objection is to the proposal that the Committee should deal with the details indicated. As those who have had experience of the working of our Legislative Councils are aware, there are two methods which are not infrequently adopted of frustrating action to which exception is taken. The first, if a measure is disliked, is to oppose it in toto. If that is not successful, the second is to propose a system of practical working which will bring the whole machine to a standstill. The present proposal is of the second kind. This point has been already taken by the Hon'ble Mr. Aminur Rahman, who realises that a Committee sitting in Calcutta will not be able to deal with questions affecting all parts of the province where these *détenus* are kept. If the Committee relies on the reports of local officers we are no better off than in dealing with these reports direct. If they trust the co-opted local members, they merely constitute as arbiter an unknown resident of the district on whose dictum in these matters we cannot be expected to rely. Moreover, in practice, looking to the mere volume of the work, it could not go through if it had to be referred to a Committee at every stage. Circumstances may arise which necessitate a modification of the original orders. These details may arise for decision at any moment. Is it seriously proposed that the Committee should sit in perpetual session or is it suggested that they should be convened on every occasion? The officer of Government who is at present entrusted with these particular functions is sitting daily at the Secretariat, and in no other way could he discharge these functions.

Another point to which I desire to draw attention is that these details of method do not merely concern the convenience of the person who has been dealt with under the Act. In order to decide where a man should be placed under restraint and what amount of restraint should be exercised, the officer passing the orders requires to be acquainted with what the charges against the man are, who his associates are, and in fact the whole relation of that man to the revolutionary movement; taking all these factors into consideration, he passes orders for restriction. It would be impossible to lay all these facts before a Committee without placing them in judgment upon the whole administration of the Act, which brings us back to the objections I have already taken to what I have described as the first part of the Hon'ble Member's resolution.

If these objections which I have urged are valid what do we gain by a proposal of this kind? It is made presumably in the interests of these

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détenus, but the answers given to questions asked about them, taken as a whole, show that they are already treated with consideration. Complaints there may be; it is inevitable that there should be, but in that connection I may mention one point for the consideration of the Council. Supposing it is proved that our contention is right, and that these boys who are being dealt with under the Act are members of a revolutionary conspiracy, is there any more obvious method for such a conspiracy to adopt than to promulgate constant complaints and rumours as to the treatment and martyrdom of the men to whom the Act has been applied? It is an obvious thing for any member of the conspiracy to do, and a curious instance of it came into our hands only the other day in the shape of a letter addressed to a relation of one of these boys. If I may read to the Council an extract from this, it will show clearly what I mean. It was written to the relation of a *détenu* to whom I will refer as A, and runs :—

'Those of the *détenus* who do not plead their cause through the medium of newspapers do not get any concessions from Government and have no chance of being interned at home. "A" should, therefore, send in a petition every week. All these petitions are to be sent to the Superintendent of Police. If these petitions produce no good result the Additional Secretary, Government of Bengal, and the Deputy Inspector-General of Police, Intelligence Branch, are to be petitioned simultaneously in the same words. * * * * "A" should send in a petition to the Superintendent of Police, saying that he had never been away from home and is, therefore, not accustomed to live in foreign climate; that he generally falls ill in that place; that he is getting worse day by day, which may lead to some serious illness endangering his life; that for these reasons it would be better if he is allowed home domicile; that as his father is a poor man the allowance should continue even in home domicile, though it may be a little curtailed; that in giving home domicile Government will keep him in good health and will not have to spend quite as much for his maintenance and will afford him facilities for nursing his sickly mother and brother. I have written all these to "A" in a clever way, and have asked him to keep you informed whenever he submits any petition regarding his illness, wants or complaints.'

I refer to this letter in order to show the possibility, the obvious possibility, of utilising the spread of rumours as one of the methods of defeating the administration of the Act. India is known as a country where rumours circulate and circulate widely, and I would ask Hon'ble Members not to accept as gospel truth everything which they hear in this connection. With reference to the remarks of the Hon'ble Babu Bhabendra Chandra Roy who, at a previous meeting, said 'if I were to believe all the reports that are conveyed to us, I could unfold here a harrowing tale of misery and suffering,' I would ask the Hon'ble Member if he is in possession of these harrowing tales and reports to take them to the accredited officers of Government to whom other people find no hesitation in going, and I can assure him that an enquiry will be made into them. My information is that the Hon'ble Member has neither been to Mr. Cumming nor to Mr. Stephenson and placed them in possession of these harrowing tales with which he seeks to make the flesh of the Council creep. If he will do so, our officers will enquire into his allegations just as they have enquired into matters which have been brought to their notice by questions and in the papers.

Some Hon'ble Members have made general comments on the policy of the Act, more particularly with reference to men who are detained under Regulation III of 1818, which do not come strictly within the terms of the resolution,

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and I have purposely confined myself to the proposals of the resolution, but I would submit that, for the reasons I have given, they should prove unacceptable to the Council."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I have listened with great attention to the speech which has been delivered by the Hon'ble Sir Henry Wheeler. In the first place, if I have followed him aright, he has contended that from the very beginning there was opposition to the passing of this Act and then proposals are made to hamper the practical working of the Act. I do not understand whether he thereby means in all seriousness that I am the person who has been from the very beginning hampering the Government in the administration of the Act. If by simply sending in this resolution I have done that, then I must respectfully repudiate that charge. Sir. if sitting quiet, dumb in this Council and listening only to the explanations vouchsafed from the Government side, without making any suggestions, honestly offering assistance to Government by making these suggestions—if these attempts are interpreted as hampering the Government then I must say, Sir, that we must bid good-bye to all our aspirations for the association of my countrymen with the Government in the administration of the country. Sir, in my observations both to-day and at the budget debate, I have acknowledged that we have derived benefit by the internment of a number of persons, but, Sir, if we were to stop there, and if we did not tell Your Excellency that there is a deep and widespread feeling in this country, we should be failing in our duty. I know that Government are not trying to ignore that feeling, but I do know that there is a deep and widespread feeling that these cases are not properly investigated and are decided on the reports and *ex-parte* statements of Police officers. I do not agree with all that is said by a very large number of people. I do not agree with those who say that all the people that have been interned are innocent, and I do not agree. in spite of the high authority of Sir Henry Wheeler, that all the people that are interned are guilty. In order to reassure the public mind on the subject, and in order to strengthen the hands of Government some sober and moderate members of our community have submitted this motion for your consideration. I do not understand what is the practical difficulty and how the acceptance of this resolution will hamper the administration of the law. Sir Henry Wheeler has pointed out—if I have followed him aright—that I wanted a non-official majority on this Committee. I have never said that I wanted a non-official majority or minority, all I have suggested is that a practising lawyer who is capable of attesting evidence. should be associated with it. He may be an official or a non-official ; he may be the Advocate-General or the Standing Counsel, or he may be an independent practitioner. Have you not nominated Mr. Provash Chunder Mitter. a member of the Committee, to be associated with Justice Rowlatt to inquire and investigate into the existence of a widespread conspiracy in this country ? Is he not a practising lawyer ? Does not the responsibility rest upon Government to show whether there is widespread conspiracy or not and to devise measures to combat it. Why have you then appointed the Committee to advise the Government in this matter ? So, I think, My Lord, my resolution is a perfectly genuine one, intended honestly to help and strengthen the hands of Government. At the last budget debate I said there is no difference between the Government and the people except as to the method in which this Act is being administered. My countrymen are exactly of the same opinion and if it is stated that a single officer of Government or even two judges to whom the case will be referred, will give satisfaction, I must say, My Lord, that that will not be the case, because in this matter you must trust to a certain extent, my countrymen, and if you take a responsible member of my community to be associated with the two judges upon whom the Government

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must rely on, I think it would go a great way to reassure the public mind. Then, My Lord, as regards the co-opted member I will give one instance as an illustration. The Criminal Investigation Department makes a report on a certain case of a *bhadralok*; he comes and inquires of somebody in the locality as to what the character of this young man is, and he reports on that statement. If that person makes a statement which is adverse to the interests of the young man because he has got some grudge against him, the report goes gradually step by step to the officer who disposes of these cases. If you appoint a co-opted member, for instance the Hon'ble Raja Hrishikesh Laha, who lives close to my locality, in connection with a particular case or cases in that locality, then I believe the Government will be in a better position to know whether that person from whom the information was derived is actually a man upon whose word you can rely, I do not think there will be any difficulty in choosing co-opted members.

Sir Henry Wheeler stated that a large sum of money is spent for the maintenance of the families of *détenus* and on the *détenus* themselves. I have never complained that the Government are neglecting them, but what I state is that whatever allowance is made by Government is made on the recommendation of certain officers who may not be so well informed as a resident of the locality would be. It has been stated that transference of this power to an Advisory Committee will infringe upon the responsibility of Government. That argument, however, does not hold good, because you have yourselves appointed a Committee to investigate into this very matter. Your Excellency in that last speech has clearly stated that there is a widespread conspiracy in this country, and if you are convinced of it, why shirk the responsibility and appoint a Committee to advise upon the same matter. As it is too late I would only say if this resolution be not accepted in some form or other there will be great disappointment in this country and I hope that our motives and our actions will not be misinterpreted."

A division was then taken with the following result :—

Ayes—16.

The Hon'ble Dr Nilratan Sarkar.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Kumar Shib Shekhareshwar Ray.
" " Babu Brojendra Kishore Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " Rai Sri Nath Ray Bahadur.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " Babu Kishori Mohan Chaudhuri.
" " Babu Ambika Charan Mazumdar.

Noes—20.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Sir Satyendra Prasanna Sinha, Kt.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Surgeon General W. R. Edwards, C.B., C.M.G.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " " J. H. Kerr, C.S.I., C.I.E.
" " " J. Donald.
" " " L. S. S. O'Malley.
" " " F. A. A. Cowley.
" " " C. H. Bompas.
" " " W. C. Wordsworth.
" " " C. F. Payne.
" " " E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. J. Mackenzie.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. F. W. Carter, C.I.E.
" " Sir A. Birkmyre, Kt.
" " Mr. E. A. Martin.

The following member abstained from voting :—

The Hon'ble Mr. Provash Chunder Mitter.

Adjournment.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons.

" " Ihtisham-ul-Mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qudr Saiyid Wasif 'Ali Mirza, Khan Bahadur, Mahabatjang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.

" " Sir Rajendra Nath Mookerjee, K.C.I.E.

" " Mr. Aminur Rahaman.

" " " R. Glen.

" " Dr. Deba Prasad Sarbadhikari, C.I.E.

" " Mr. E. B. Eden.

" " " H. R. A. Irwin.

" " Dr. Abdulla-al-Mamun Suhrawardy.

" " Mr. M. Ashraf Ali, Khan Chandhuri.

" " " Altab Ali.

" " Babu Akhil Chandra Datta.

" " " Mahendra Nath Ray, C.I.E.

" " Mr. K. B. Dutt.

The ayes being 16 and the noes 20, the motion was lost.

Adjournment.

The Council then adjourned to the next day, the 19th December 1917, at 11 a.m.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council (offg.).

CALCUTTA,

The 5th January, 1918.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Wednesday, the 19th December, 1917, at 11 A.M.

Present:

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SURGEON-GENERAL W. R. EDWARDS, C.B., C.M.G.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. J. DONALD.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble MR. J. MACKENZIE.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI, C.I.E.

Resolutions.

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The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E.

The Hon'ble SIR A. BIRKMYRE. KT.

The Hon'ble MR. E. B. EDEN.

The Hon'ble MR. E. A. MARTIN.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF. ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

RESOLUTIONS.

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved the following resolution :—

This Council recommends to the Governor in Council that—

(1) the Bengal Government Municipal Department circulars No. 11M., dated the 24th February, 1916, and No. 2445M., dated the 25th September, 1916, which give an interpretation of the law that imposes restrictions on Municipal electorates, be either withdrawn or modified so as to remove such restrictions ; and

(2) if this is not possible, section 15 of the Bengal Municipal Act, 1884, be amended so as to remove the restrictions in question and that the operation of the circulars referred to, be suspended pending such amendment.

He said :—

"My Lord, at a meeting of this Council held on the 5th March, 1917, I moved a resolution for the extension of the municipal corporations in this Presidency. I then pointed out that we had made very little progress in this direction as compared with other provinces. The slight increase in the number

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of municipaies in Bengal was mainly due to the splitting up of certain riparian mu ipalities near about Calcutta. It was also pointed out that out of a total of subdivisional towns within this Presidency no less than 21 subdivisional ns are without any municipality and therefore without any adequate provi either for the conservancy or for the sanitation of those places. The re policy of the Government has been not to increase the number of muni lities, but gradually to absorb the subdivisional towns inside rural areas corporating them with Union Committees. My Lord, that resolution wa t. To-day I stand to draw attention to another phase of that retrograde p which aims at greatly emasculating and curtailing the municipal elect by narrow interpretations of the law as existing at present. My Lord, t Municipalities. One are two kinds of taxes in force in the Bengal municipal taxation, an tax or rate on holding which is the proper to the means and circu other is a tax on persons levied according the prevailing tax in mes of persons occupying holdings, and this is country. It is practical the municipalities in the interior of the Municipal Act was taken rm of income-tax. In 1884, when the as to the qualification of v consideration, there was an agitation to a minimum taxation of The property qualification was reduced urged for an additional qua That did not satisfy the public, who and section 15 which deals wit irrespective of property qualification, sub-section. viz., sub-section (3 alification of voters had added to it a community and in this sub-sectio gave this privilege to the educated graduates and licentiates of the U laid down that graduates; under-revenue agents should also be entit licensed pleaders, mukhtars and tax for the holdings in which they r e although they may not pay any else, and if they reside there and e tax may be paid by somebody would be entitled to vote by virtue o portion of their holdings they the first circular which wanted to cational qualifications. Now, the educated community was Circular this important privilege of 1916. That circular says that Gov dated the 24th February. certain students have given votes at co as come to know that think it right that certain interpretation ons and therefore they and it was held that students *in statu pu* given to section 15(*3*), vote. That in the first instance would mean d not be entitled to and has also got a holding within a municip son has got two sons who has left off his study, and the other if one son is a B. A. prosecuting his studies for the higher M. A. ssed the B. A. is this circular it would come to this that the son r the operation of with an inferior degree would be entitled to vot off his studies category of students *in statu pupilari* would be de er being in the the circular goes on to state that the occupation it voting. Then section 15(*3*) should be confined to an exclusive occ eferred to in of rights. I quite understand, my Lord, that mere cupation as ought not to be considered as occupation within the n a stranger there is this difficulty :—Is the occupation of the so Act.; but taxes within the municipality not to be considered as who pays circular? I contend that occupation there does not n er that occupation or occupation as of right. Surely we are usive distinction between the bare physical occupation of a home of a son or grandson living with his parents and possessing hat in the holding. There may be also cases in which, although ht owner, the son's occupation is also derived from some other rig be classed in the same category as the occupation of a st My Lord, the circular goes on to say that where the student do his room his occupation is no occupation. My Lord, we have things from the West which we gratefully acknowledge. but we

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learn that in this country a son should pay rent to his father for the room he occupies in the house. And what does 'exclusive occupation' mean? How can there be exclusive occupation in the strict sense of the term? A father has got two sons, one of whom is a mukhtar and the other a pleader. They can have no exclusive right to any particular rooms they occupy. The father, as the rightful owner, may some times allot some other rooms to them. So this interpretation based on a state of things which does not exist in this country at all is, I consider, most unfair, because in this country sons, grandsons, nephews and others live together in the same house under the direction of the *pater familias*. Although they may have separate rooms allotted to them, still it cannot be either exclusive possession or possession as of right. If the legislature of 1884 intended to give such a construction on the word 'occupation', then I think there would have been no sub-section (*3*) to section 15. And I submit, My Lord, to the fair judgment of this Council to consider that if this circular were to be enforced, whether sub-section (*3*) of section 15 would not be a nullity. Can it be suggested that under any conceivable circumstances a son cannot live in the house without paying rent to his father or without having exclusive possession of a room? I particularly take exception to the circular where it refers to students. The expression *statu pupilaris* does not occur in the section and why should you interpolate it? It may be very different in the case of students living in hostels or messes who do not live for the whole term through and may not satisfy all the requirements of section 15, but what I object to is that graduates and under-graduates and all those persons who have been given the privilege of voting under section 15(*3*) should have exclusive occupation and pay something by way of rent in order to qualify themselves as voters. If the circular stands, then that section would go. In the face of this circular that section cannot stand. That is my first objection.

The second circular goes a step further. I am referring to circular No. 2445, dated the 25th September. That circular arose out of a peculiar circumstance. In the municipality of Comilla at the last general election two persons belonging to a joint family appeared at the polling station and each wanted to vote for a different candidate. The polling officer very properly refused to record the vote of either of them and referred the matter to the Magistrate who cancelled the election. I think he was perfectly right there. Then the case was referred to Government and this circular was issued which goes to extreme lengths in construing section 15 of the Municipal Act. It lays down broadly—I need not read it out as it is a lengthy one—that a joint family has no right to vote. It is said that as a joint family is not a corporate body, strictly speaking, under the law, no member of it would be entitled to vote, although they pay a requisite taxation jointly. It is also said that business firms or persons occupying a joint holding unless registered under the Company's Act have no corporate existence and as such are not entitled to vote. This is no doubt a plausible argument in favour of this contention, and I ought to draw the closest attention of the Council to this point. The word 'person' is not defined in the Municipal Act and we have to refer to the Bengal General Clauses Act for a definition of this term. In section 3 of the Bengal General Clauses Act it is said that 'person' includes any Company, any Association, or any body of individuals, *whether incorporated or not*. The General Clauses Act was passed in 1899 and the Bengal Municipal Act in 1884. In section 5 of the General Clauses Act there is a provision that this definition of 'person' shall apply to all enactments passed since the passing of the General Clauses Act, otherwise the word 'person' would include only a corporate body or association. But the Municipal Act being of 1884 the General Clauses Act cannot be invoked for the purpose of giving the wider definition to the word 'person.' But here I would ask the Council to consider one point. Whenever an Act is amended, it takes a new start whatever may be the nature of the amendment,

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and although the name may be of the old Act, it is still cited as an Act amended by such and such Acts. My contention is that when an Act is amended it takes a new lease of life from the date of the amendment, whatever the extent of the modification may be. The Bengal Municipal Act of 1884 was amended for the last time in 1900 for the purpose of meeting certain cases of the Darjeeling Municipality, and if my view be correct, then the definition of 'person' in clause 3 of the General Clauses Act ought also to apply to the Bengal Municipal Act and if it is so applied in that case the circular is distinctly *ultra vires*, because section 3 says it would refer to any body or Association, *whether incorporated or not*. Thus even though a joint family may not be strictly called a corporate body, still it is the union of a number of individuals with certain manners and customs, and whether they are incorporated or not they should be allowed under the law to vote. Similarly in the case of business firms there is no valid reason why they should be debarrd from voting.

Now, My Lord, I will ask your attention to the effect of these two circulars. I have received several complaints from various quarters. I have received a letter from the Chairman of the Mymensingh Municipality, from the Secretary of the Naraingunge Mahajan Sabha, and from various other persons complaining that if these two circulars operate municipal elections would become a farce. I will not content myself by simply giving my opinion but I will cite a concrete case. I know of many such cases, but I think one will suffice. In a municipality consisting of 15,000 souls there are no more than 2,300 rate-payers, that is to say, 16 per cent. of the population pay any taxes. Out of these 2,300, only 918 or, in round numbers, 900 persons are voters. That would be 6 per cent. of the whole population. Therefore the situation is this: that out of a population of 15,000 only 900 persons, that is, 6 per cent. of the whole population, return the Commissioners. And if these two circulars are brought into operation, the number of voters in many of the municipalities would come below 5 per cent. of the whole population and in some below 4 per cent. Now contemplate the result of such an election. Out of every 100 persons only 4 persons will return the Commissioners! I doubt whether such an election would be worth the name. I hope and trust that these circulars will be either withdrawn or liberally construed.

There is another aspect of this question. Mufassal municipalities are efficient bodies who have been satisfactorily carrying on their work, particularly sanitation and conservancy works. Most of the municipalities have provided themselves with pure drinking water for their constituents and they attend regularly to the conservancy of the towns: They pay for primary education and do other useful things; but apart from those, in congested areas the municipalities have proved most efficient and useful bodies for the purpose of preserving the health and convenience of the people. The election in such municipalities ought to be more representative and the electorates ought to be enlarged. I do not think it would be politic of the Government to cut down the electorates and curb and curtail them so as to reduce to its minimum, the utility of these institutions, and I hope and trust that the question of the two circulars should not be lightly treated. The first circular introduces words which are not in the section and no one, not even a judge, can introduce words into a section which that section does not contain. The word 'student' is not there and why should you introduce it into the section? Such is also the case in regard to *occupation* of holdings. The word 'person' in the second circular also comes under section 3 and not section 5 of the General Clauses Act. The Bengal Municipal Act was last amended in 1900 and the General Clauses Act was passed in 1899, and therefore I think the definition in the latter Act applies to the case of the former.

I hope that this resolution will be accepted by the Government in the spirit in which it is moved. I do not mean to embarrass the Government

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or to tamper with its prestige. It is a pure question of honest interpretation; it is a simple proposition. When we are asking for reforms there are those who are reminding us that we must first improve the local self-governing institutions, and when we come to the local self-governing institutions, they are improved with vengeance by being curbed and emasculated. I submit that these circulars have proceeded from a retrograde spirit and they ought to be at once removed. But if the Government find themselves hopelessly in a position not to be able to withdraw the circulars after they have once passed out of their hands, if that be the position, then I say, let section 15 be amended. If Mahomet will not come to the mountain let the mountain go to Mahomet. If the circulars cannot be withdrawn, let the law be changed, which of course will be done in Council and not in the quiet recesses of the Secretariat. At least let these circulars be suspended, because the general election of many municipalities will shortly come up, and if they are to be enforced now, it will cause great prejudice to many of the municipal elections."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I beg to support the resolution which has been so ably moved by my learned friend. There are two questions which deserve the consideration of the Council : firstly, as to the legality of the circulars, and, secondly, as to the expediency of giving a full operation to them. Referring to the legal view of the question it appears to me that the circulars have been conceived in a very illiberal spirit. The Council will note that so far as the law is concerned the residential clause is a most important one, but I cannot imagine how the sons who have a joint family house can be told that they are not in possession. The Council will kindly consider also that the possession of the father is also considered to be the possession of the sons. In a joint family there are two or three brothers and each brother has joint possession in the dwelling house, and can it be contended that one brother has exclusive possession in it? Under the *Dayabhaga* law each brother is considered as a co-sharer, and to my regret I learn that only one should represent the family as a voter because the joint family is not a corporate body. As the Chairman of a mufassal municipality, I have tried to explain to the brothers that only one of them should represent the family, but they could not and did not understand why each of them should not vote. There are difficulties in administering the law in that way, and it is very difficult to see how the law can be administered in the spirit in which the circulars have been issued.

Then, again, referring to the expediency of having the circulars in operation, I have to submit to Your Excellency that the educated portion of the community is excluded from voting. Why do I say this? Because a qualified voter is entitled to be elected as a Commissioner. Now if the educated portion of the community be excluded, naturally we will find that there is weakness in the strength of the Commissioners who are elected by the people. It is therefore necessary that a favourable interpretation should be given to the circulars. The election rules were enacted in 1896, and I will take this opportunity of bringing to Your Excellency's notice that these rules ought to be modified. They are antiquated rules, and at the end of every election we find that Chairmen are made defendants in Civil Courts for giving wrong interpretation to the rules. If you refer to any annotated edition of the Municipal Act, you will find that the High Court has to interpret almost every rule. It argues therefore that the rules are defective, and it is high time for Your Excellency's Government to consider whether these rules, which were drafted in 1896, should still be in operation to the fullest extent. I am aware of a circular which was issued by the Bengal Government on the authority of the Advocate-General, stating

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that writs of injunction should not be issued by Civil Courts withholding an election. Of course that circular was issued in 1897, and to my regret I submit that the Civil Courts did not pay any heed to the opinion of the Advocate-General, although it was a weighty one. There are various concrete cases which I can put before the Council showing the defective nature of the rules. These rules no doubt are enacted under the authority of section 15. To my mind section 15 ought to be modified along with the rules which are based upon the provisions of that section. I have submitted my views to Your Excellency. because I feel the difficulty of interpreting the old rules which are in force now. Under altered circumstances the rules demand fresh consideration. I do not know whether I am justified in raising this point at a time when the area of discussion raised by my hon'ble friend is a limited one and thereby trespassing upon the time of the Council, but I do submit and submit again for the consideration of the Council and of Your Excellency that attention should be given to the humble suggestion which I have made just now. My Lord, I must say one word more, namely, that the Bengal Municipal Act ought to be amended in various ways. One who has read the law carefully will, perhaps, agree with me, that the Act itself has already become an antiquated one, although it was passed only in 1884. Your Excellency's Government have taken the trouble of re-drafting the Calcutta Municipal Act and my humble submission before this Council is that this Act may also be re-drafted."

The Hon'ble BABU SURENDRA NATH RAY said :—

"My Lord, I support the resolution of my hon'ble friend Babu Ambika Charan Mazumdar for the reasons given by him. I have been the Chairman of an important municipality for 20 years, and I beg to submit that the interpretation now put by the learned Advocate-General, a high law officer of the Crown, has taken us all by surprise. That has not been the accepted interpretation of these words for so long, that is, ever since the Act came into operation in 1884. Section 15 of the Act lays down that 'any person who immediately preceding such election has paid in respect of the rates an aggregate amount of not less than Rs. 3 would be entitled to vote.'

And then sub-section (*iii*) says :—

'being a graduate or licentiate of any University, or having passed the First Arts Examination of the Calcutta University or the corresponding standard of any other University, or holding a license, granted by any Government vernacular school, to practise medicine. or holding a certificate authorising him to practise as a pleader or as a mukhtar or as a revenue-agent— occupies a holding, or part of a holding, in respect of which there has been paid, during the year aforesaid, in respect of any rates, an aggregate amount of not less than three rupees,

shall be entitled to vote at the election of Commissioners of such Municipality.

If the payment of Rs. 3 be the only condition to entitle a person to become a voter, then the other clause of the section, namely, that which lays down certain educational qualifications to entitle a person to become a voter, would be superfluous. That clause then has no meaning at all, because from the interpretation put by the Advocate-General it seems that only persons who pay rates and taxes to the extent of Rs. 3 are entitled to vote.

Then as regards the other circular about the right of voting by persons belonging to joint families, I think there has been a good deal of discussion on this question for a very long time. Under the old rules of the Calcutta Corporation, I believe, members of a joint family could nominate even an outsider to vote for them. I hear that the rule has subsequently been changed, and it is now only a member of the family whom the other members

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can nominate to vote on their behalf. In mufassal municipalities, so far as I am aware, the *karta* of a family used to vote. About eight years ago I had occasion to consult a District officer—I may name him, Mr. Bompas about this, and he advised us that if the members of a joint family paid Rs. 6 as rates and taxes, and if there were two brothers in the family, both the brothers were entitled to vote. That practice has been followed for the last eight or ten years in my municipality. As regards the right of graduates to vote, I think it is clear that mufassal municipalities are bound by the interpretation put by the law officer of the Crown and if the Government thinks that they cannot act against the circular, then it is necessary to amend the law on the subject. But I think it would not be necessary to amend the law; the election rules might be amended instead. And as regards the right of voting by the members of a joint family, the question is not very clear, and in this connection, I think, it would not only be necessary to amend the election rules, but also the law on the subject."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, I need not do any more than give my whole-hearted support to the resolution. Sub-section (*3*), to my mind, was introduced so as to allow a large number of educated persons living in joint families to participate in the municipal elections. But the result of the circular will be to exclude these persons. When the Act was passed, the legislature of the time did not intend that a very narrow view should be taken of it. If any difficulty has arisen, then the law may be amended. I believe it will be amended soon and then the matter may be fully discussed. It should be the aim that the electorates should be more enlightened and more educated. Otherwise the municipal administration would be a farce. In that view, I think, the circulars should be suspended, and if there be any difficulty the amendment of the section should be taken in hand. With these words I support the resolution, and I hope it will be accepted by the Council."

The Hon'ble Babu Mahendra Nath Ray said:—

"My Lord, the question before the Council, I take it, is whether the two circulars referred to in the resolutions lay down or give a wrong interpretation of section 15 of the Bengal Municipal Act. If they do, then the request that they should be withdrawn would be a perfectly fair one. If they do not, then the Government, as an executive authority, are powerless in the matter. There is a further question raised in the second part of the resolution, namely, that if the circulars give a correct interpretation of the law, the law might be amended. The learned speakers who have preceded me are all lawyers and some of them, I understand, are Chairmen of mufassal municipalities. The opinion they have expressed to the effect that these circulars are based upon a wrong interpretation of the law is certainly entitled to weight, and I am not going to discuss that question here. So far as the first circular is concerned—the circular of February, 1916—the question as to whether the interpretation of the law contained in that circular is correct or not depends upon the proper meaning of the words 'occupies holding'. Whether it was contemplated when section 15 was enacted that this occupation need not be legal occupation, but includes physical occupation not based upon right, is perhaps a difficult question, and speaking for myself I thought that the opinion of the Advocate-General was correct. But whether the legislature meant that at the time when section 15 was enacted is a very different matter. With regard to the September circular, the question of the right interpretation of the law depends upon the word 'person'. The second circular, to my mind, causes very little difficulty in working the rules. My hon'ble friend, Babu Surendra Nath Ray, intimated that Mr. Bompas had told him some time ago that there would

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be no difficulty in working out the rules under section 15 in the case of joint families under the Bengal school so as to cause no hardship whatever. The joint family under the Bengal school may not be a 'person' and the interpretation of the law as laid down in the September circular may be perfectly correct, but if a joint family consisted of, say, A, B and C, A may represent the joint family and there is nothing in the law, nothing in the circular, to prevent him from representing the joint family. All that the circular pointed out was the incorrectness of the theory that A, B and C constituting members of a body consisting of A, B and C must present themselves as a composite body and give their votes. I do not think any member can object to what the circular said on that point. And if A, B and C constitute the members of a joint family, it is perfectly open to them with the consent of the members of the family to make A to represent that family and there is, I say, nothing in the circular of September, 1916, nor in section 15 to prevent that being done. It has been worked in this way in some of the municipalities of which I have personal knowledge, but whether it has been worked correctly or not is another matter. In the municipality of Howrah, for instance—we need not go any farther—the rule which has been hitherto followed is this: Suppose a joint family consisted of A, B, C and D, and the whole family is liable to pay a rate of Rs. 18 quarterly. Each of these men, A, B, C and D, is registered in the demand register as an occupier or a holder and in the voters' list as a voter, and I say there is nothing in the circular of September, 1916, nor in section 15 to prevent this being done. I speak subject to correction of course. But we are now concerned with the legality or the propriety of this circular of September, 1916. That circular, however, so far as it says that a 'person' does not include a joint family may or may not be correct, but it does not work any mischief and therefore that circular need not be considered unless the law officers of the Crown are advised that it is based upon a wrong interpretation of the law. With regard to the first circular the law laid down—or rather the interpretation of the law in that circular—is perhaps correct, but it has worked mischief, and I am bound to point out that this matter requires serious consideration by the Government. It is time that gentlemen possessed of educational qualifications, such as are set out in section 15, should have the power of voting at municipal elections irrespective of their right of ownership or right as legal owners or occupiers of a holding within the municipality. There are lawyers, and if the lawyers are a very unpopular body I shall leave them out of account, but there are teachers and school masters and others who are a very useful body of men possessing educational qualifications—that I take it is the most important qualification—but who may not occupy a holding in the legal sense of the term;—whether these men, possessed of educational qualifications and residents within the limits of a municipality for a year as required under section 15, but not owners or occupiers of holding in the legal sense;—whether people of this description should be debarred from taking part at a municipal election is a very serious and important question. To my mind they ought not to be debarred. If they possessed the requisite residential qualifications they ought to have the right of voting, irrespective of any legal right of occupation of property. That, I am afraid, will need an amendment of the law, and so far as the proposal contained in the second part of my hon'ble friend's resolution is concerned, it has my full sympathy, but mainly in respect of the matter which I have just referred to, namely, the question as to whether persons possessed of adequate educational qualifications and satisfying the residential qualifications should or should not be permitted to take part at municipal elections irrespective of their right of ownership or legal occupation. I respectfully submit that they should be permitted."

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Maulvi Abul Kasem ; Rai Radha Charan Pal Bahadur.

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, I beg to support the resolution which has been moved by the Hon'ble Babu Ambika Charan Mazumdar. Certainly the educated section of the community and educated boys should have the right to vote at municipal elections, because they are best qualified to exercise the franchise that has been granted to us. In the municipality of Burdwan, if these circulars are given effect to, one of our most useful Commissioners will not only cease to be such, but will also cease to be a voter because his father pays the rates and taxes and the son does not pay for his room nor has he the holding in his name. My Lord, I do not think it is necessary for me to add anything to what has been said by some of our distinguished lawyers to the interpretation put by the Advocate-General on the section. We have in this Council at the present moment a very high authority on law in the Hon'ble Member in charge of Local Self-Government. I think the Municipal Act should be amended so as to include all enlightened people in the list of voters.

My Lord, my object in rising to support the resolution has also been to draw Your Excellency's attention and also that of the House to the unfortunate remarks which fell from the lips of the Hon'ble Mover of the resolution—I mean his remarks about Mohamed and the mountain. That, my Lord, is a fiction invented by over-zealous Christian missionaries and has no foundation in fact. I would be wanting in my sense of duty if I did not draw Your Excellency's and the Hon'ble Mover's attention to it. And I pray that these words may be deleted from the proceedings of the meeting."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, some reference has been made to the system followed in the Calcutta Municipality in connection with the circular issued on the authority of the opinion of the Advocate-General regarding the voting power of a joint family. I think the practice followed in the Calcutta Municipality is such a simple one that it can be followed without any disadvantage in other municipalities. In Calcutta a joint family consisting of three or four members is empowered to vote under the new rule sanctioned by Government about a year ago by nominating one of the members to vote on their behalf. But they must send their nominee to the Chairman of the Corporation by the 1st of January preceding an election. As regards associations of persons, companies and firms, the rule is that any one employed in the firm or a member of the firm can, by an authority previously sent to the Chairman, claim to have his name entered in the voters' list and can also vote in the municipal election. I do not know whether there is any such rule in connection with the mufassal municipalities. If there is none, then I think it should be introduced in the mufassal, as this rule was approved by the Calcutta Corporation as also by the Local Government. For these reasons, My Lord, I support the resolution of my hon'ble friend. Although I am not a resident of a mufassal municipality, I find from the section which has been shown to me that any one possessing certain educational qualifications is entitled to vote. I do not know whether it means that any person who is not a *bonâ fide* occupier of a holding is entitled to vote simply because he has passed an University examination. I do not also quite understand why there should be any difficulty in connection with the occupier of a holding who pays a certain amount of tax to the municipality. In Calcutta, My Lord, any owner or occupier of a building, whether educated or uneducated, who pays a certain amount of tax, is entitled to vote. According to section 15 of the Bengal Municipal Act, a literate person if he is also the occupier of a holding is entitled to vote. But I do not know whether the *karta* of a family as well as his son who has

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passed an examination are both entitled to vote. That is not the practice in Calcutta. But quite apart from educational qualifications, I think, my Lord, that the primary qualification should be that the voter should be an occupier of a holding in respect of which rates are paid. That should be the primary qualification. These are my views, My Lord, which I submit for the consideration of the Council."

The Hon'ble SIR S. P. SINHA said :—

"My Lord, I feel even now somewhat doubtful as to whether the exact nature of the question at issue has been clearly explained to the Council. We have heard of two circulars which the Hon'ble Babu Ambika Charan Mazumdar would like to be withdrawn. The mover of the resolution goes further and says that if they be not withdrawn the law ought to be amended.

The first question therefore is—what are these circulars about and why they have been issued and why by the Government? I will just state, as simply as I can, the answer to these questions. We have all heard of the Municipal Act a section in which lays down the qualifications of persons entitled to vote at municipal elections. I will not trouble the Council by reading the section, because it is hardly the function of the Council to interpret the law, though it is its function to make it. That section lays down the qualification of voters. Under that section, a question was raised not long ago whether two classes of persons were entitled to vote, *i.e.*, whether the language of that section included two classes of persons. The question having arisen the officers of Government, whose duty it is to make up the registers of voters, referred it to Government for advice, asking what the law meant and whether the law, as it existed then, included these two classes of persons or not,—the two classes of persons being, *first*, students living with their parents or in hostels or messes, and, *secondly*, members of a Hindu joint family. The Government could only do one thing on such a reference being made, namely, refer it to their highest legal advisors for their opinion on the meaning of the section, and this they did. They were advised that the section meant a particular thing; they put that in the circular and sent it to the officers who had asked for the advice. The officers naturally acted on that advice. But the fact that they did act upon it does not necessarily mean that it was correct. If it is wrong, it is open to anybody who is aggrieved to go to the Courts and say 'I have been wrongly excluded from voting; I ought to have been included'. The circular is nothing more than a communication by the Government that their law officer, the Advocate-General, is of opinion that the section means so and so. They cannot very well withdraw it until their law officer says that he was wrong. It does not really matter to anybody whether it is withdrawn or not, because it is open to anybody, who thinks that it is wrong, to go to the nearest Munsif's Court and say that the opinion of the Advocate-General is not worth the paper it is written upon, and the Court will thereupon decide as to whether the Advocate-General was right or whether he was wrong.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur himself mentioned a case in which the Advocate-General's opinion was treated in that way by the Courts with regard to injunctions; so it is liable to be treated with regard to these two matters in the same way if they are wrong. There seems to be some difference in regard to the matter. The Hon'ble Babu Mahendra Nath Ray says that the Advocate-General was right in regard to both these matters. On the other hand, I find that four or five distinguished lawyers in this Council think that the Advocate-General was wrong. It is rather difficult to choose between these two views, and the only course open to Government—so long as the Advocate-General adheres to his opinion—is to say that is how they are advised. It is open to anybody to contest the opinion in the law courts. Therefore, so far as the circulars are concerned, I think

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it is hardly a matter upon which the Council can express an opinion as to the meaning of the section—which is for the law courts to decide. With regard to it, the Government must necessarily be guided by the opinion of its highest legal officers.

So far as the merits of the matter are concerned, I will deal immediately with them. It does seem somewha anomalous that members of a joint Hindu family should not be entitledt to vote. The Hon'ble Babu Mahendra Nath Ray, whose experience as Chairman of one of the largest municipalities —namely, Howrah—must carry weight, says that in practice it does not cause any difficulty. In Calcutta the rule is different, because the section is different. The section in the Calcutta Act expressly gives the right to vote to a member of a joint Hindu family. The section in the Bengal Act does not; and I think it right to say that when the next amendment of the Bengal Act takes place, this matter should receive careful consideration, because it is no use leaving it as a matter for interpretation. Although no practical inconvenience has been caused, as the Hon'ble Babu Mahendra Nath Ray has pointed out, it will probably be necessary to go into that question and put the law on the same footing as the law in Calcutta, in order that no question may arise in future.

Now as regards the second question of students living with parents or guardians or in hostels and messes. it is hardly right to say, as the Hon'ble Babu Ambika Charan Mazumdar has said, that the interpretation of the law as mentioned in the circular is due to any policy or any desire on the part of the Government to restrict the right of municipal voters. To start with that idea is not correct. It is not a matter of policy that the circular was issued, but merely in answer to a request as to what the law meant and after obtaining the advice of the law officers. It is not a question of policy; it is a question as to what the law as it stands means. We can only take it from the law officers until the courts pronounce upon it and say that the law officers were right or not. There is no question of policy involved in this matter at all.

As regards the section itself, it deals not only with educational qualifications, namely, the passing of a certain examination, but also certain property qualifications; it involves both. That is how it has been interpreted by the Advocate-General and. as the Hon'ble Babu Mahendra Nath Ray has remarked, he is probably right or it may be that he is wrong; but if it is intended or if it is desired that educational qualifications apart from any property qualifications, divorced altogether from any other qualification, should be sufficient to give every resident within the municipality the right to vote, well that ought to be made clear—again I say, when the law is next amended. Whether that ought to be so or not is a very large question; whether educational qualification irrespective of any other qualifications should or should not give the municipal vote, is a question upon which I, at any rate, have an open mind, and I have no doubt that when the Act is next amended, my friends who desire that such should be the rule would place all their arguments before us. and I can only promise that when the Act is next amended—and I think it must be amended very soon, having regard to the length of time that has elapsed since it was passed in 1884—both these matters will receive our careful and sympathetic consideration. But I venture to think that it is hardly the correct procedure to ask this Council to put a construction or interpretation upon the law, as it is not one of the functions of this Council."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My Lord, in rising to reply. I shall have to notice *seriatim* some of the points which have been raised in this debate. First of all, I shall take some of the points raised by my esteemed friend to the right (Hon'ble Babu

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Mahendra Nath Ray), who thinks that one of the circulars at least does not interfere with the rights of voters, that is to say, circular No. 2445M. The concluding portion of that circular will show that my hon'ble friend has reckoned without his host. After discussing the question of the joint family, it summarises thus : 'For the above reasons a joint family has no legal capacity to vote.' I fully agree with my hon'ble friend to the right that according to practice one of the circulars may not interfere with the right to vote. I know the practice in different mufassal municipalities has been somewhat different and the opinion of the Advocate-General may not interfere with this practice. We have not the law of Calcutta in the mufassal. I myself was associated with one of these municipalities for the last twenty years and I know what the practice was in the case of joint family. We used to call upon the members of a joint family to elect or nominate one of them to be entered in the voters' register. The register for taxes is one and voters' list is another ; so that there may be half a dozen names put together in the register for assessment, but at the time of election when we had to prepare the voters' list we used to put the name of one of them, as may be decided amongst the members of the joint family, as the qualified voter. But what the municipalities apprehend and complain of is that under the circular no such thing will be allowed, because it is said that a joint family has no legal capacity to vote ; so that it would be inadvisable to let it remain like this, as many would think that the whole family is disfranchised.

In the next place, the circular says that 'for the above reasons a body of persons who hold or carry on business jointly, not being an incorporated association, is not entitled to vote.' So, in those cases in which there is a partnership business and those businesses are often very large, any member of these may also be asked to exercise the right to vote in a municipality. I fully admit that every member of a family and every partner of business may not go to the polling station and be allowed to vote. I contend however that this circular, as it has been worded, is a serious obstacle in the way of voting by these bodies who sometimes pay the heaviest taxes.

My esteemed friend, the Hon'ble Sir S. P. Sinha, has said : 'Well, we do not debar you from voting ; we act upon the advice of our legal advisers.' Very well, My Lord, you can act on the advice of your legal advisers, but where is the guarantee that legal advice tendered by the Government may be ignored and that the municipalities are not bound to obey the interpretation given by Government and with whose advice they need not agree? It may be that at their instance, the circular No. 2445M. was issued, but it does not show that any legal advice was taken in connection with it."

The Hon'ble SIR S. P. SINHA said :—

"Legal advice was taken on both these cases."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"Well, My Lord, I did not know that, but it may be so ; but I submit that the advice of the Advocate-General ought not to have been of this elastic or dubious character. It is openly and broadly said that joint families are not entitled to vote and joint business firms unless registered have not the capacity to vote. The Government may fairly interpret this circular and say that they did not mean absolutely to debar these bodies from voting, but they free to elect one of their members to exercise the franchise. If Government were to say that, it will clear up the matter.

Then my hon'ble friend, Sir S. P. Sinha, says that we may go to the Civil Court. If that is so, My Lord, it is a very large order. For every blessed case the party will have to go to the Civil Court and run considerable expense. It is not a very easy matter and besides how many people would agree

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to fight it out. How many people will agree to fight with the Government? If that day ever comes, when people will risk everything for their political privileges then these laws, these circulars and these interpretations will be scattered to the winds. But we are still bound under the constitution of the day to obey Government circulars. Government's opinion carries considerable weight, and it is not possible for every one to go to the civil court to contest the validity of a circular in every possible case.

Then, My Lord, with regard to the Circular letter No. 11M.—*in statu pupilaris*—both myself and my hon'ble friend Babu Mahendra Nath Ray have pointed out that under that interpretation given sub-section 3 of section 15 becomes a nullity. There is not a single case where it may be pointed out that it may be possible for any graduate, under-graduate or licentiate to vote. if that interpretation holds good. That was a special qualification in the case of mufassal municipalities which my hon'ble friend Rai Radha Charan Pal Bahadur cannot possibly understand, because in Calcutta, which is the centre of light and leading, of education and of enlightenment, the people were not under the necessity of having such a privilege. Mufassal is not what Calcutta is, and therefore in mufassal a special privilege was given by sub-section 3 that educational qualifications, irrespective of any property qualification, would entitle a person to vote, and therefore, the word 'occupation' should not have been so strictly construed as it has been done by this circular, for if that were the intention of Government to insist on exclusive occupation as of right it would not have at all embodied such a sub-section which can have no practical application. Then, My Lord, Your Excellency will observe that in every section it is said 'owner or occupier; and the legislature of 1884 distinctly meant to bring in a distinction between rightful possession and possession of some different kind. I do not mean merely possession by sufferance. I may not draw out the distinction but I do feel that there is some distinction between the occupation of a son and that of a stranger in the house.

Then, My Lord. I have only one word to say with reference to the expression which fell from my friend, the Hon'ble Maulvi Abul Kasem. He is a graduate of the Calcutta University and a highly cultured gentleman. He should have never taken exception to my expression 'if Mahomet does not come to the mountain, the mountain must come to Mahomet'. That expression has got currency in the English language and is understood to mean that if a person who ought to yield does not yield, then the higher body will yield. I never meant any offence to my hon'ble friend and it was never my intention to hurt his feelings. I hope my hon'ble friend will excuse me if I have offended him. The expression is a common one and it is always understood by people in the sense I have used it.

In conclusion, I would only say one word. There is no knowing when the Municipal Act may come in for amendment. I have already said that the general election of a large number of municipal bodies will come on within this year, and this circular will seriously operate upon these elections. I have already said that the Government, if it does not mean to be altogether reactionary, might explain these circulars. I do not want Government to cancel them, if it is offensive to the dignity and position of the Advocate-General, but it might say that it does mean that in the case of joint families, they may elect some person—some one among them for the voters' list—and in the case of students *in statu pupilaris* I submit that that circular, at all events, ought to make it plain that it does not mean that this 'occupation' must mean an 'occupation as of right' or that the possession should be exclusive possession. If the circulars are not binding Government had no business to circulate them amongst these municipalities when Government circulate these opinions they thereby indirectly bind these bodies to follow these circulars. If its object is not to abrogate the right that has been given to educated men in the mufassal, it ought not simply to issue these circulars and sit quiet and say that you can do whatever you

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like and go to the Civil Court or even to the High Court. In moving this resolution, I have approached the question in the spirit that the circulars may be so explained or modified as to give a due and proper interpretation to section 15. Of course if the Government will not do this. I hope hon'ble members, who have heard me, will consider whether from the spirit in which I have approached it, it ought not to have been readily accepted by Government."

A division was then taken with the following result :—

Ayes—17.

The Hon'ble Dr. Nilratan Sarkar.
„ „ Mr. Provash Chunder Mitter.
„ „ Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
„ „ Kumar Shib Shekhareshwar Ray.
„ „ Babu Brojendra Kishore Ray Chaudhuri.
„ „ Dr. Deba Prasad Sarbadhikari, C.I.E.
„ „ Rai Debender Chunder Ghose Bahadur.
„ „ „ Radha Charan Pal Bahadur.
„ „ Mr. E. B. Eden.
„ „ „ E. A. Martin.
„ „ Maulvi Abul Kasem.
„ „ Mr. Altaf Ali.
„ „ Rai Sri Nath Ray Bahadur.
„ „ „ Mahendra Chandra Mitra Bahadur.
„ „ Babu Surendra Nath Ray.
„ „ „ Kishori Mohan Chaudhuri.
„ „ „ Ambika Charan Mazumdar.

Noes—18.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
„ „ „ Satyendra Prasanna Sinha, KT.
„ „ Mr. J. G. Cumming, C.S.I., C.I.E.
„ „ Surgeon-General W. R. Edwards, C.B., C.M.G.
„ „ Mr. C. J. Stevenson-Moore, C.V.O.
„ „ „ J. H. Kerr, C.S.I., C.I.E.
„ „ „ J. Donald.
„ „ „ L. S. S. O'Malley.
„ „ „ F. A. A. Cowley.
„ „ „ W. C. Wordsworth.
„ „ „ C. F. Payne.
„ „ „ E. B. H. Panton.
„ „ Rai Priya Nath Mukharji Bahadur, I.S.O.
„ „ Mr. J. Mackenzie.
„ „ „ W. H. H. Arden-Wood, C.I.E.
„ „ „ F. W. Carter, C.I.E.
„ „ Sir A. Birkmyre, KT.
„ „ Khan Sahib Aman Ali.

The following member abstained from voting :—

The Hon'ble Babu Mahendra Nath Ray, C.I.E.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons.
„ „ „ C. H. Bompas.
„ „ Ihtisham-ul-mulk Rais-ud-Daula Amir-ul-Omrah Nawab Sir Asif Qadr Saiyid Wasif 'Ali Mirza Khan Bahadur Mahabat Jang, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.
„ „ Sir Rajendra Nath Mookerjee, K.C.I.E.
„ „ Mr. Aminur Rahaman.
„ „ Raja Hrishikesh Laha, C.I.E.
„ „ Mr. R. Glen.
„ „ „ Arun Chandra Singha.
„ „ „ H. R. A. Irwin.
„ „ Dr. Abdulla-al-Mamun Suhrawardy.
„ „ Mr. M. Ashraf Ali Khan Chaudhuri.
„ „ Maulvi A. K. Fazl-ul-Haq.
„ Babu Bhabendra Chandra Ray.
„ „ Akhil Chandra Datta.
„ „ Mr. K. B. Dutt.

The ayes being 17 and the noes 18, the motion was lost.

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LIST OF BUSINESS—ITEM No. 11.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that a committee of officials and non-officials be appointed to investigate the heavy economic loss sustained this year by the jute cultivators in Bengal, and to devise ways and means to prevent distress among them.

HE said :—

"My Lord, in moving this resolution I think it necessary to go into some detail about the jute industry of Bengal. It is an industry of which Bengal has a monopoly. In the early eighties experiments were made in jute culture in Egypt, and in the *Dundee Trade Report* of March 23rd, 1881, the following statement appeared :—'Some samples of jute grown in Egypt are being sown here. Reports on quality are varied ; but considering it is a first attempt, on the whole satisfactory.' But the project does not appear to have gone much further, no doubt on account of the cost of labour making the cost of production impossible. In Bengal they had suggested cotton bagging for coffee in place of jute ; but so far nothing practical has eventuated. In India itself jute has not been a success, excepting in the districts of Bengal. The history of the rapid development of the industry reads like a romance—jute cultivation to-day rivalling rice-cultivation in the Province. During the opening years of the nineteenth century the agricultural product jute was limited to supplying the wants of small handloom industry. The export of the raw material was unknown. The value of said jute exported in 1829 was approximately £500 ; in 1913 it was close on £20,000,000. In 1855, a beginning in spinning and weaving was made in Calcutta and the first mill was erected at Rishra on a piece of land at present occupied by the Wellington Mills. It produced an outturn of some eight to ten tons a day. At the present time there are some forty-six mills on the River Hooghly with a total of close on 40,000 looms, employing very nearly a quarter of a million Indian labourers, having a capital of over £13,000,000 (including debentures and reserves), and using three-quarters of a million tons of coal per annum. The outturn of the manufactured articles which was about 8 tons per day in 1885 is, in normal years, 3,000 tons per day, or nearly four times as much as Dundee produces. The following list of jute-spinning and weaving mills taken from Mr. McLeod's paper read before the Indian Section of the Royal Society of Arts is approximately correct and will show the importance of this great industry :—

United Kingdom	30
Germany	36
Austria-Hungary	17
France	32
Italy	25
Belgium	23
America	16
Russia	7
Sweden	5
Denmark	2
Switzerland...	2
Holland	2
Brazil	3
Norway	1
Rio	1
Argentine	1
	[illegible]

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In 1874, Sir George Campbell, the then Lieutenant-Governor of Bengal, advocated the prohibition of the export of rice from Bengal during famine. When confronted with the argument that such prohibition might drive foreign purchasers to Burma for good he replied that he doubted very much if such effect would really be bad. 'Our Bengal Province', he said 'are so densely populated, and they produce so many valuable articles sought for in commerce, that the difficulty is not to use our land, but to find land for all that it is desired to grow without interfering with the food of the population. The demand for jute seems to go on increasing without limit'. The exports of raw jute, given in thousands of rupees, was in 1910-11 no less than 15,48,99. The next year saw a rise to 22,55,66. In 1912-13, we find 27,05,07. And the next year saw a swelling up to 30,82,64. As far gunny bags—1910-11 it was 8,56,40, and in 1914-15 12,59,44. An agricultural product which gives the people of the Province such an income deserves special care and attention. Not only does the industry bring the peasant 20 to 30 millions sterling annually, but it supports in addition something like a quarter of a million factory operatives and their dependants. It has created busy lives of human labour like Naraingunge where huge godowns line river banks either side, tin-roofed, red-bricked, ugly with all modernity—tall chimneys towering behind them and huge cranes swinging on the landing stages—the river alive with craft and boats of every size anchored against the banks. That the Government has not been slow to recognise the importance of this industry will be evident from the endeavours of the Agricultural Department which are worthy of praise. The Department has been busy producing and distributing good jute seed. And it has rendered practical service by the investigation of what is known as "heart damage" in baled jute, a mysterious process of deterioration which causes an entire loss of *tensile* strength. Though the cry is that jute is displacing rice to a dangerous extent the people have not desisted from increasing the area under jute. Because when there is a struggle among the more valuable staples, the rice export is only valuable in so far as it gives us a surplus to fall back upon in times of scarcity; and because with the extension of railways it is neither easy nor advisable to check the increase of the area under jute and oilseeds and its encroachment upon rice land.

The war had dealt this industry a heavy blow—Germany and Austria-Hungary were two of our most important customers. The export of raw jute to these countries (in thousands of rupees) were as follows :—

	1910-11.	1911-12.	1912-13.
Germany	3,61,24	5,08,59	5,73,06
Austria	90,60	1,32,55	1,65,04

In 1913-14, the figure for Germany was 6,74,84 and that for Austria-Hungary 1,97,91. Then the war broke out and there was a drop.

In 1914-15 Germany could take only 1,32,14 and Austria-Hungary not more than 50,86. But that was not all. The war dislocated trade and the difficulty about freight told heavily upon the export trade of India. That year the United Kingdom took only 6,74,30 worth of jute in place of 11,73,95 of the previous year and France not more than 85,66 in place of 3,06,76. The total export of raw jute fell from 30,82,64 to 12,91,02. Since then the export to the enemy countries has been stopped and increased difficulty of transport has diminished export to others. But the area under jute has not decreased proportionately. The total average in 1915-16 was 2,086,300 the normal area in Bengal being not more than 2,643,800. In 1916-17 instead of a decrease, there seems to have been a tendency towards increase. In Nadia the area was 67,200 against the normal 49,400. In Khulna it was 22,100 against a normal of 18,300. In

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Midnapore it was 12,100 against 10,400. Thus a large surplus is growing up which is a drag of the market and which is forcing down the price of jute. Here I would like to mention that with the growing demand of jute the cost of production has increased considerably. And I remember how at the Annual General Meeting of the Indian Jute Mills' Association (January 1915) the Chairman alluded to the danger due to a rise in the price. He discussed the proposal of levying an export tax on jute to supplant German and Austrian trade and said—'Whatever else the Germans may be they have already shown signs of chafing under the excessively high prices that have in recent years ruled for a commodity whose principal claim to popularity is its cheapness'. Not only has inferior land been brought under cultivation, but the rate of rent has gone up. Mr. Chaudhuri had about five years back estimated the cost of production at Rs. 3-8 a maund; but now it is probably over Rs. 4. Sir William Duke has pointed out how, with the extension of cultivation, hired labour was more and more being resorted to the price of such labour in Bengal now being pretty high. The rates in the neighbourhood of Dacca and Serajgunj had recently been as high as a rupee a day. Thus the price that the cultivator can now get for his jute barely comes the cost of production. But he cannot find customers for his entire production. This is a serious state of affairs. The tocsin of alarm was sounded long ago by organs of public opinion like the *Basumati* and *Sanjibani*. And recently *Capital* has given 'a timely warning' to Your Excellency's Government. I will quote an extract from *Capital*—'The jute crop for the present season will be far in excess of any possible demand, and it is of vital importance that the mills should consume every maund of jute possible. The annual jute mill consumption, when running full time, is from 55 to 60 lakhs of bales of 400 lbs. net each, etc., etc., etc. The mills began the new season (1st July) with an average stock equal to six months' short-time consumption. This represents about the maximum quantity for which they have godown accommodation in Calcutta and the mufassal. The forecast recently to hand estimates crop at 90 lakhs of bales, although private advices make it still larger, and if the mills by 1st July 1918 are in the same position as this year, *i.e.*, with six months' stock, there will still be 45 lakhs of bales to be disposed of, less, quantity exported. It behoves the Bengal Government to take timely warning and to do everything in their power to prevent distress in Bengal among the cultivators. We need scarcely point out how much more serious the political unrest will become otherwise.'

My Lord, since I submitted the resolution my worst apprehensions have turned out true. Every morning we get disquieting news of looting in the mufassal bazars. I have heard a proclamation issued by Mr. F. A. Sachse, District Magistrate, Noakhali, in which to preclude the possibility of looting in the bazars, he has penalised the holding of *hâts* after 3 P.M. He has openly admitted that as long as the war continues prices will remain high and there is the chance of looting recurring in the bazars. And as it is impossible to station armed police in all bazars he orders, under section 144 of the Criminal Procedure Code, the closing of all bazars at 3 P.M. This, My Lord, is a serious state of affairs. And I am sure it is receiving that consideration from Your Excellency's Government which it demands. But I must say that though our police may be powerful enough to restore tranquillity in disturbed areas they will not be able to eradicate the possibility of a recurrence of disturbance as long as they have to deal with that dangerous element —a poor peasantry subject to hunger and exasperation. Not only should these poor peasants be relieved of their present distress; but steps should also be taken to induce them not to give up the cultivation of jute in despair. True who had reckoned on an earlier peace? But the war cannot be indefinitely prolonged. And when normal conditions return there will

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be the same increasing demand for jute and then the cultivators of Bengal will reap a golden harvest which will obliterate every scar.

My Lord, I will not pause to discuss *remedial* measures. Agricultural loans have, in times of distress, acted like April showers on the thirsty earth. The Co-operative Credit Societies are now trying to reduce and ultimately to remove agricultural indebtedness. Their sphere of usefulness may be extended. I am aware of the tender solicitude the Government has always evinced for the peasants. I recall, with pleasure, Lord Curzon's words about 'the real people of India:'—'It is the Indian poor, the Indian peasant, the patient, humble silent millions, the 80 per cent. who live by agriculture, who know very little of policies, but who profit or suffer by their results, and whom men's eyes, even the eyes of their own countrymen, too often forget, to them I refer. He has been in the background of every policy for which I have been responsible, of every surplus of which I have assisted in the disposition. We see him not in the splendour or the opulence, nor even in the Squalor of great cities; he reads no newspapers and for, as a rule, he cannot read at all; he has no policies. But he is the bone and sinew of the country, by the sweat of his brow the soil is tilled, from his labour comes one-fourth of the national income, he should be the first and the final object of every Viceroy's regard.' I know the interest Your Excellency takes in these peasants 'the real people' of Bengal whom you have visited in their humble huts observing them in their hours of careless relaxation and enquiring after their needs. And I hope my proposal to device means to prevent distress among them will find favour with Your Excellency as also with my colleagues who are directly interested in them and whose greatest ambition it is to serve them with a view to ameliorate their condition.

The Hon'ble MR. MACKENZIE said :—

"My Lord, my hon'ble friend, the mover of this resolution, has treated us to a history of the jute trade, I have listened to it with interest but most of it is quite irrelevant to the question before the Council. I notice he is very partial to Committees of Enquiry having proposals for no less than three such committees on the list of business for to-day. He has evidently much greater faith in the efficacy of such committees than I have. The impression I have formed is that most of them are a mere waste of time and I do not think the one he now suggests would prove to be any exception. It seems quite unnecessary to appoint a committee to inquire into causes which are obvious and, as the mover has himself shown, the reasons for the present dullness in the jute market are not far to seek. The whole of the Central European market is closed, freight for such markets as are still open is distinctly limited, while the local mills with the best intentions in the world are unable to deal with the balance of the crop for the very good reason that practically every square inch of the available warehouse accommodation is occupied.

The mover has drawn a harrowing picture of starving cultivators but it is quite incorrect, according to my information, to say that the heavy economic loss referred to in the resolution has been by any means general. In the Eastern districts, at all events, quite a considerable portion of the crop was disposed of early in the season at satisfactory prices and although later there may have been a decline it has been counterbalanced by a large yield per acre. In certain other districts however such as Northern Bengal, Rungpur, Rajshahi and the Daisee districts a combination of a poor crop and low prices has resulted in a certain amount of hardship.

The whole situation however has been greatly ameliorated by a bumper crop of rice and I do not think there is any reason to apprehend any widespread distress although you will hear all about it the moment the cultivator gets to know that a committee has been appointed to inquire into the matter.

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Babu Kishori Mohan Chaudhuri; Babu Brojendra Kishore Ray Chaudhuri; Mr. Provash Chunder Mitter.

I think it will be quite sufficient for the present if District Officers are instructed to carefully watch the position.

In this connection it might not be out of place to mention that Government are offering throughout the whole of the districts profitable employment in various Labour and Porter Corps for Mesopotamia and elsewhere and the fact that very few recruits are coming forward would hardly seem to indicate that the cultivators are in the condition described by the mover. At all events if they do not choose to avail of the opportunity of employment offered them it is difficult to see what more Government can do."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I think a Government inquiry is needed. There is no doubt that the jute market is dull. It is not possible to have a large export at present. The question is how the materials can be utilized. The jute growers did grow jute in the hope of getting better prices just after the conclusion of the war. The price of gunny-bags, which are used for carrying paddy and rice, has gone very high. What is the reason for this? Is it on account of the labour question or is there any difficulty for the manufacture of these gunny-bags in the jute mills? Jute itself is very cheap, but the price of gunny-bags is very high. There is a great demand for these bags no doubt. So, I think that an inquiry by the Government as suggested by the Hon'ble Mover may do some good, and in that view I support the resolution."

The Hon'ble BABU BROJENDRA KISHORE RAY CHAUDHURI said :—

"My Lord, as representative of the landholders of the Dacca Division, which is well known to be the chief jute growing part of the Province, I feel it my duty to support this resolution. As an eye witness I can well say that the distress of the jute growers has been such that the well wishers of the cultivators must immediately step forward and do all that is possible under the existing circumstances. I know how the Government are anxious to help the poor raiyats and I feel sure that in this instance their case will receive the unstinted support of this Council. With these few words, I beg to support this resolution."

The Hon'ble MR. PROVASH CHUNDER MITTER said :—

"My Lord, I desire to say a few words on this resolution, and I may say at the outset that my reasons are perhaps not the same as those of my hon'ble friend, Rai Mahendra Chandra Mitra Bahadur. The economic condition of the raiyats in Bengal are well known. They get their money by the sale of jute and by the sale of paddy. By this money they have to buy their *dhooties* and their salt which are imported into Bengal. On account of the war and to nobody's fault and on account of the difficulty of tonnage, the price of both these articles has gone up very high. It is but natural that the cash value of jute and of paddy has gone down. The principal market available here is the local jute mills; they manufacture only a certain quantity of jute, and therefore it is no use saying that they ought to buy more. These being the conditions of the market it follows that the price has gone down. On the other hand, the effect on the low price of jute and paddy means that the raiyats have less available cash to buy their necessaries and the result is an economic difficulty in various parts of this Province. We already hear of the looting of *hâts* and bazars in some of the outlying districts of Noakhali, Bakerganj and Rangpur, and I for one feel that unless Government look into the matter very carefully, perhaps further difficulties may have to be faced in future. I do not think that the best way to deal with the question will be by the appointment of a committee, as has been suggested by my

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Babu Ambika Charan Mazumdar; Mr. Cumming.

hon'ble friend; but I should like to impress upon Your Excellency's Government—and I have no doubt Your Excellency's government are already impressed with that fact—that the question requires consideration, and the only way that the question can be properly considered is by way of friendly co-operation between the only market available, viz., the local jute mills and the jute-growers. The other question is how to make it possible for the raiyats to buy their necessaries for the lowest possible amount. The economic questions are so intermixed with one another that an inquiry seems desirable, but for the present that inquiry should be instituted by Government, taking such evidence formally and informally as the Government think fit."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—

"My Lord, the question raised seems to be one of extreme difficulty; it is a question of supply and demand. Bengal is able to put forth much more than either India or England can consume. It had a market outside the Empire and that market has been closed. I do not see how the Government can tackle a question like this directly. Of course, I fully support my friend's resolution that a committee of enquiry be appointed to investigate into the causes of the low prices of jute and the difficulties with which the cultivators are confronted; but, My Lord, it seems to me that the difficulties of the raiyats are not simply owing to the fall in the price of jute, but also to a corresponding rise in other articles of food and use. I know it is the complaint of the jute-grower that he cannot purchase a pair of cloth for one maund of jute that he brings to the market, and the price of salt—the most ordinary article of consumption—has also gone up; so that it seems to me that it is high time for Government in connection with this resolution to intervene for regulating the prices of various articles of food as well of use. Although no means can be devised for the consumption of more jute, still an enquiry might be made to show, through the Agricultural Department of Government, to the raiyats that it is not wise to grow as much jute as they had been growing before. More economical persons might also resort to the practice of burning excess articles and thereby keeping up the market. Whatever that may be, it seems to me that an enquiry ought to be held, if not actually to help the raising of the price of jute, at least for the purpose of regulating the quantity that might be produced in Bengal. To suit the exigencies of the situation, some steps might be taken to regulate the prices of other articles and thereby relieve to a large extent the difficulties of the jute-growers who are unable to tide over their difficulties with jute.

The Hon'ble MR. CUMMING said:—

Sir, the purport of the resolution is that a committee of officials and non-officials be appointed to investigate the heavy economic loss sustained this year by the jute cultivators in Bengal, and to devise ways and means to prevent distress among them.

The great importance of the jute industry needs no comment, and the Hon'ble Mover and other Hon'ble Members have pointed out how far it is bound up with the agriculture of Northern and Eastern Bengal. The reason for the present condition can be explained in one word, namely, the effect of the war; and I do not think that a committee is required to find out that very prominent truth. Now the elucidation of economic problems is a very interesting and important matter and in connection with the jute cultivation and the jute industry within the last three years there have been most elaborate and detailed enquiries made by this Government;

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Mr. Cumming.

in 1913-14 there was one; in 1914-15 there was one; last year, 1916, there was one; and there has been a continuous enquiry since the beginning of the present year up to the present moment. I do not think therefore that Members of Council or the Hon'ble Mover need be under any apprehension that the Government are not keeping a close attention to the situation. But the main issue in this resolution is whether there is such distress as to require State relief. It is known that State relief was given in 1914, when similar circumstances arose. I shall endeavour shortly to explain the circumstances in the present year in comparison with those in 1914. But I will say at once as regards this main issue—the question whether such distress exists as to require State relief, that it is clear that the existing machinery of Government should suffice to bring that to the notice of Government. I agree with one of the Hon'ble Members, who does not think that a committee of this kind would achieve any good, because the main point is already known to Government and all the economic data are already in the possession of Government. So far no officers have represented to Government that the condition is such as to require the special measures that were adopted in 1914. It is quite obvious that there has been a loss this year compared with what the cultivators might have got if they had a good market; but I have had personal experience in the matter of jute cultivation for over a quarter of a century and I can say that Eastern Bengal raiyats are fairly alive to the fluctuations of the jute market; they take the mishaps of a year with a good deal of philosophy and they are only too ready to redistribute their arrangements in subsequent years. I said that the present situation may be compared with that in 1914 when, it is true, Government did take measures. I shall put the comparison under a few heads and I shall be very brief under each.

First of all, in comparison with 1914, the increase in the area since last year is very much less than the increase in the area was in 1914 after 1913; that is a material point. In the next place, the average price per maund this year is 25 per cent. higher than it was in 1914. Then, this year the raiyats have had a fair warning. The fall came in 1914 with dramatic abruptness. This year the fall has been gradual and continuous since the month of January last. Further more, the raiyats have learnt wisdom. During the very prosperous years before 1913 the raiyats were becoming rather indolent and getting their work done by means of hired labour. In the present year they have put their shoulders to the wheel more, and have realised that they must do more work themselves and depend less upon hired labour. Another important matter is as regards the amount of crop that has been disposed of and brought into Calcutta. In the present year the proportion of the gross crop brought into Calcutta by the middle of the current month of December was about 26 per cent., whereas in 1914, the proportion of the crop of that year that had been brought into Calcutta was only 18 per cent.

I think, Sir, that if all those points are considered together it will be realised that economically the raiyats in Bengal who cultivate jute are better off this year than they were in 1914. But it does not follow that the matter does not require very careful consideration. Government have kept their eyes wide open for danger signals, and although they are not prepared to say that, on account of the factors that have been mentioned in the course of the debate, viz., the increase in the price of wearing materials and salt—which is of course due ultimately to the same difficulty of overseas tonnage, the position is dangerous, yet so far in the areas in which jute is most grown, no clear indication has been given to Government that the raiyats require relief at the expense of the State. In fact, I may be pardoned for wondering why the Hon'ble Rai Mahendra Chandra Mitra Bahadur, representing the Burdwan Division in Western Bengal, should feel called upon to bring this resolution before the Council. His Division, I find, gives this year an outturn of about 70,000 maunds out of a total 2½ millions of

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Rai Mahendra Chandra Mitra Bahadur.

maunds in the whole of Bengal. I do not, of course, lay any stress upon that. I again say that Government is keeping the situation well before them; they have been continually examining and re-examining the matter since the month of July last; and while there is always a possibility of adopting the measures of relief which were given in 1914, there is a possibility also of adopting the measures of relief such as those suggested by the Hon'ble Babu Ambika Charan Mazumdar These are points however of which the Government are well aware; but I doubt very much whether a committee can give us much assistance. On these grounds that Government have the economic data in their possession and are giving very close attention to the situation, I trust the Hon'ble Member will see his way to withdraw the resolution.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, in putting this resolution before the Council, it was my object to appoint a committee to investigate into the causes of the economic loss sustained by the jute cultivators in Bengal. I put before the Council all the information I have obtained on the subject, and when I am assured that inquiries have already been made on the subject and Government are quite alert as regards the subject matter in discussion, I beg to withdraw the resolution I have brought forward."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that a committee be appointed consisting, amongst others, of the Commissioner of the Burdwan Division, the Collector of Hooghly, the District Magistrate of Howrah, the Subdivisional Officer of Uluberia and the Executive Engineer, Northern Embankment and Drainage Division, to examine the water courses in the villages of Gazipur and Sonamukhi in thana Amta, Kandarpapur or Hature, Jot Bireshwar, Latibpur and Khanpur in thana Bagnan, in the district of Howrah, where many thousands of acres of paddy fields are still under deep water, causing heavy damage to the winter rice crop, and also to devise means for draining out the water from these fields as early as possible, and to take such steps as may be necessary for the prevention of similar devastation in the future.

He said :—

"My Lord, I need not detain the Council long on this matter, as the resolution speaks for itself. On a previous occasion I asked a question about the sluice in the Damodar left embankment in mauza Gazipur. In reply I was told that there was only one vent, and its size was given as 2 feet by 4 feet 3 inches. It was used previously for purposes of irrigation when the lands were drained through other channels which have now silted up. The total cultivated area in the village of Sonamukhi was given as approximately 1,000 bighas and that in Gazipur as 1,500 bighas. It was admitted that the village of Sonamukhi is occasionally drained through this sluice. I need hardly tell Your Excellency that the existing arrangement of draining out rain water from paddy fields as referred to in the resolution is very unsatisfactory and calculated to cause heavy damage to the crop.

From the reply given by Mr. C. Addams-Williams, the Executive Engineer, Northern Drainage and Embankment Division, in his letter No. 1509, dated the 4th March 1908, to the Secretary, Hooghly and Howrah

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District Association, I noticed that in July 1899, in September 1900, in September 1901 and in July 1905, several mauzas in the Amta Basin were all submerged in water and there were no crops. The average annual yield of crops in 1906 was about three-fourth but in 1907 it was only one-eighth.

Again, in reply to my question asked at the Council meeting of September last, regarding the annual outturn of winter rice during the last few years, I was told that during two years, the peasants got a quarter crop, during two more years an one-eighth crop and during three years they had none.

Your Excellency who takes a keen interest in the poor cultivators will now understand that the extent of injury sustained by the raiyats is 'beyond human belief.'

The other day, Sir James Meston, while reviewing the work of the Agricultural Department of the United Provinces during the past year, did not conceal his conviction that 'in its days of prosperity the Government devoted far too small a share of its surplus revenues to the development of India's first and greatest industry,' and His Honour trusts that this error will not be repeated. The above remarks apply to Bengal as well.

To solve the economic problem that lies at the root of all reforms, we should go out into the real Bengal and must discuss the question from remote unofficial places with the children of the soil who suffer most from the floods. We should adopt the method of seeing and understanding the crying wants of the teeming millions whose interests are the crux of all problems. They live in lands full of promise and loyalty, but fuller still of the oppression of the *mahajans* and natural but preventible calamities.

The supply of water from different sources is so ample that "the crops are immune from failure due to drought," but on the other hand they very often suffer from floods causing ravages and devastations.

In 1873, Colonel Haig, Chief Engineer of Bengal, was deputed to make an engineering survey and he strongly recommended, among other things, the Amta scheme.

My friend, the Hon'ble Mr. O'Malley, has rightly observed in his valuable treatise, the Gazetteer of Howrah, from which I cannot help quoting the following paragraph :—

> 'The completion of the entire project for the drainage of the district by carriyng out the Amta scheme proposed over 30 years ago appears desirable on many grounds. It would not only add hundreds of acres to the cultivated area and improve thousands of acres of low lands—an important consideration in a district which does not raise enough food for its consumption. It would also drain a water-logged locality in which malarial fever threatens to be endemic, owing to the stagnant water being the breeding ground of the malaria-bearing anopheles mosquito. In its present state, moreover, the waters flooding the Amta basin not only damage the Amta crops three or four years out of every five, but also threaten to swamp the western part of the Rajapur basin.'

In Bengal Government Resolution No. 875, dated the 3rd July 1906, it was observed that the Board of Revenue were 'disposed to agree with the Government that a standing committee for each district, including the Commissioner of the Division, the Superintending Engineer, the Collector of the district and the Executive Engineer might, with advantage, be constituted. Such a committee would bring the civil officers and professional officers into closer relation, and proposals started by the former or the latter would be discussed without the delay inevitable to correspondence.'

This was written with respect to Orissa, but 'the general principle that the Engineers and the Revenue Officers should work in conjunction applies everywhere.'

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Mr. Cumming.

'It is also very desirable that the Engineer and Revenue Officers should discuss locally suggestions for minor irrigation schemes or for improvements in drainage. and that landholders interested should join in the discussion.'

It was resolved by Government and was therefore directed that 'standing committees shall be formed for all districts. The committees to be constituted as under :—

President	The Commissioner of the Division.
Vice-President and Secretary	The Collector of the district.
Members	The Superintending Engineer in whose Circle the district lies. The Executive Engineer in whose Division the district lies. The District Engineer. Such landholders or other gentlemen directly interested in any schemes as may be appointed by Government on the recommendation of the Collector and with the approval of the Commissioner.

The committees will consider questions relating to—

I.—Flood embankments—

(*a*) New works, including as such sluices or escapes for existing embankments.

(*b*) Alterations in the alignment of existing embankments, such as are caused by important retirements. This will include the discussion of the policy of holding a threatened bank by protective works in preference to the retirement of the embankment.

(*c*) Proposals for raising the level of the crest of an embankment.

(*d*) All questions in which there is any doubt as to the interpretation to be given to the provisions of the Embankment Act or of contracts for the maintenance of embankments.

II.—Any proposal which may be suggested for a minor irrigation work.

III.—Any scheme which may be proposed for improvement in drainage.

IV.—Any matter referred by Government for opinion.'

I, therefore, earnestly request Your Excellency that a committee be appointed to examine the condition of the locality and suggest means for the proper drainage of rain water from these fields as early as possible to prevent further distress among the cultivators."

The Hon'ble Mr. CUMMING said :—

"Sir, the Hon'ble Member has brought forward a resolution that a committee should be formed of certain members to examine a certain area in the south of the Howrah district in order to devise means for draining out water from that area. My answer to the hon'ble gentleman is that not only have means been devised for this particular area in question, but that the whole of the Amta basin has been the subject of examination, that a scheme, the estimate of the cost of which is nearly 10 lakhs of rupees, has been prepared, and that at the present moment it is simply a question of funds which blocks the way. I do not wish to burden the Council

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with too many details, but the exact position may be realised if I could mention one or two facts regarding this Amta basin drainage scheme. It was suggested in the press only about a month ago that no serious attempt had ever been made to tackle this problem. This is a most inaccurate and unfair statement. As long as forty years ago, Government prepared three drainage schemes for the Howrah district, viz., the Howrah scheme, the Rajapur scheme and the Amta scheme, and it was then contemplated that all would be carried out one after the other. The Howrah scheme was completed as long ago as 1884, the Rajapur scheme in 1890, but the Amta scheme has still not yet materialised; and the people of the Rajapur area have complained very bitterly—and also with a great measure of truth—that they are suffering because the Howrah scheme has not been completed. Now an improvement of this nature, not only in these six villages to which the Hon'ble Mover refers, but also in the whole of the basin, can be carried out under certain Acts. Under the Embankment Act the decision as to the improvement lies with Government, but the Act is unpalatable to the zamindars because there is no procedure for recovery from the tenants. Then, there is the Drainage Act, under which it is possible to recover, through the certificate procedure, from tenants. It is a very democratic Act under which Drainage Commissions are appointed; and theoretically there should be no difficulty if the people concerned are genuinely anxious to have the improvement effected; but the law lays down that at least the holders of half the land to be reclaimed should assent, in writing, to the adoption of the scheme. Now, no fewer than four times have the landlords rejected the scheme under the Drainage Act. In the past estimates were made which failed because they were too big; one estimate was as high as 12 lakhs of rupees. The estimate of a gentleman, whom we all recognise in Bengal to be a master in hydraulics, Mr. Addams-Williams, is, as I have stated, nearly 10 lakhs (Rs. 9,80,000). In January 1915, the leading landlord, at a meeting, plumped for the Drainage Act, but he was not supported by holders of half the land in the area in question; and far from making no serious attempt, Government, in absolute despair, said that they would take up the scheme under the Embankment Act. The proper procedure was carried through and in the middle of last year the case come up for orders; but the performance of the scheme has been held over owing to financial reasons. The Hon'ble Mover realises—and I hope all Hon'ble Members realise—that in any problem of this nature, there is, first, investigation of the facts; the next procedure is the enunciation of the problem; the third procedure is to find a solution for the problem; and the last stage of all is to apply the solution. Well, Sir, the first three of these procedures have already been carried out and number four only remains. That being so, I appeal to the Hon'ble Mover and ask him for what purpose would this committee sit. I therefore desire to oppose the resolution, as it stands, on the grounds, first, that it affects only a very small area and that in the next place, all information required has been carefully compiled by the Irrigation Department—that means that the solution of the problem has already been found; and that the only obstacle being money, this committee, however enthusiastic, would not effect any remedy as far as that difficulty was concerned. For these reasons, I desire to oppose the resolution; and to add that the scheme has already been approved by Government and is only awaiting funds."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said:—

My Lord, I have listened with great attention to the speech of the Hon'ble Member in charge and as I feel for the raiyats who have appealed to me for putting the resolution for the consideration of Your Excellency's Council, I came forward with a resolution like this. Year after year these raiyats are suffering much and when the question is that all matters in

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Rai Mahendra Chandra Mitra Bahadur.

Adjournment.

connection with the scheme have been inquired into, but that the work has not been taken up on financial grounds—what answer have I to give to it. I feel for the raiyats and I have come to Your Excellency for redress and when I find that the work cannot be taken up on financial grounds, I have nothing to say. Therefore, I think it advisable to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 13.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur asked for leave to withdraw the following resolution which stood in his name :—

This Council recommends to the Governor in Council that a committee of officials and non-officials be appointed in each district to examine the condition of village roads in the districts of Howrah, Bankura, Birbhum and Midnapore, and to submit such recommendations to the Commissioner of the Burdwan Division as they may consider necessary for the improvement of those roads.

The resolution was, by leave of the President, withdrawn.

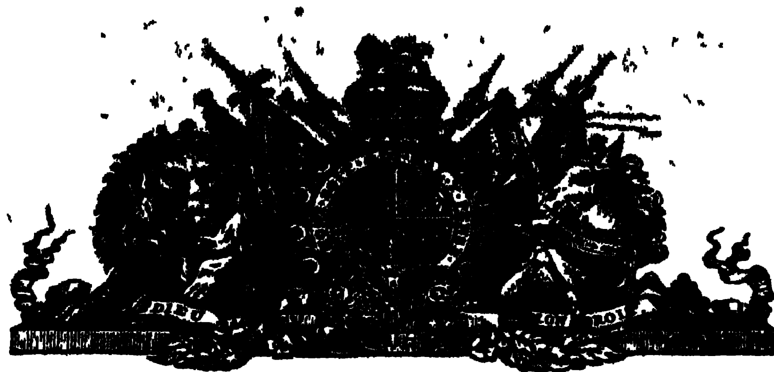
ADJOURNMENT OF COUNCIL.

The Council was then adjourned to Tuesday, the 22nd January, 1918, at 11 A.M., at Government House, Calcutta.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA ;
The 5th January 1918.



The Calcutta Gazette

WEDNESDAY, FEBRUARY 6, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Tuesday, the 22nd January, 1918, at 11 A.M.

Present:

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT., *Presiding.*

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble LIEUTENANT-COLONEL W. J. BUCHANAN, C.I.E., I.M.S.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. W. C. WORDSWORTH

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF 'ALI MIRZA KHAN BAHADUR MAHABAT JANG, K.C.S.I., K.C.V.O., NAWAB BAHADUR OF MURSHIDABAD.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble MR. J. MACKENZIE.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. R. GLEN.

The Hon'ble REV. DR. G. HOWELLS.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI, C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E.

The Hon'ble SIR A. BIRKMYRE, KT.

The Hon'ble MR. E. B. EDEN.

The Hon'ble MR. H. R. A. IRWIN.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble MR. ALTAF ALI.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble MR. K. B. DUTT.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

LIST OF BUSINESS—ITEM No. 1.

OATH OR AFFIRMATION OF ALLEGIANCE.

The Hon'ble Lieut.-Col. Buchanan and the Hon'ble Dr. Howells made an oath or affirmation of their allegiance to the Crown.

Questions and Answers.

LIST OF BUSINESS—ITEM No. 2.

The following questions which had been starred were put and answered :—

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*1. (*a*) Is it a fact that the paddy-fields of mouzas Sonamukhi, Gazipore, Khanpore, Chaksadar, Jyot Bireswar, Latibpore, Khandarpore, Khardaha, Bhagabatipore and Udong in the Ulubaria subdivision of the Howrah district are still under water? The Howrah flood.

(*b*) Are the Government aware that great damage is being done to the winter rice crop owing to water being still in the fields referred to above?

(*c*) Will the Government be pleased to state what steps are being taken by them for the speedy draining out of the water from these fields?

(*d*) Will the Government be pleased to state whether they are considering the desirability of giving agricultural loans to the raiyats affected by the water in the said area?

Answer by the Hon'ble MR. COWLEY :—

" (*a*) Yes; to the extent of 1½ to 2 feet, as is usually the case at this time of the year.

(*b*) Yes; the crop has been damaged owing to the fact that water is still in the fields, but in this area the crop grown is generally broadcast paddy.

(*c*) Government are not taking steps to carry out any work for the speedy drainage of this area. The area, as the Hon'ble Member has already been informed, will be efficiently drained when effect is given to the Amta Drainage project.

(*d*) It has been ascertained that in September the Subdivisional Officer of Ulubaria offered agricultural loans in this area, and that the applications amounted to Rs. 292. This amount was advanced, and no further application has been received."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*2. Are the Government considering the desirability of issuing instructions to the Subdivisional Officer of Uluberia for the removal of all *attas, i.e.*, bamboo apparatuses for catching fish, and other obstructions for the free passage of excess water from the Banspati Khal? Canal obstructions in Uluberia.

Answer by the Hon'ble MR. COWLEY :—

" The Banspati Khal has not been declared a public watercourse under the Drainage or Embankment Acts. Government are not therefore in a position to order obstructions in the khal to be removed."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*3. Is it a fact that last year a large quantity of seed potatoes was sold to some merchant in Calcutta by the Agriculture Department and that the potatoes were sent at quarter parcel rate—a concession granted to the Department for *bona fide* cultivators taking potatoes for seed purposes? Selling of seed potatoes.

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"The Eastern Bengal Railway allow quarter rates for potatoes sent on *bona fide* Government purposes. The Agricultural Department select seed potatoes in Darjeeling, and the potatoes which had been purchased in Darjeeling and rejected on selection as being unsuitable for seed were sent to Calcutta at quarter rates and sold there."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Complaints regarding seed potatoes.

*4. (*a*) Is it a fact that several complaints have been made by cultivators about the inferior quality, ununiform size and high price of seed potatoes supplied by the Agriculture Department?

(*b*) If there is any truth in these complaints, will the Government be pleased to state who is responsible for this state of affairs?

Answer by the Hon'ble MR. KERR :—

"(*a*) Complaints have been made about the small size of seed potatoes and about the high price.

(*b*) Small potatoes germinate as well as large ones. The rise of price in 1917 as compared with 1916 was due to a short crop. In spite of these complaints, the demand for seed potatoes supplied by the Agricultural Department at the end of 1917 was considerably in excess of that of the previous year."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Duties of a Deputy Director of Agriculture.

*5. Will the Government be pleased to state what are the duties of a Deputy Director of Agriculture in Bengal?

Answer by the Hon'ble MR. KERR :—

"The duties of a Deputy Director of Agriculture in Bengal are the supervision of experimental farms, the systematic study of the agricultural conditions and requirements of his circle, the demonstration of improved agricultural methods and of the use of manures, improved seed and suitable implements."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Agricultural work in Bengal.

*6. Will the Government be pleased to state what work has been done by the Department of Agriculture in Western Bengal during the last ten years, and the amount of money spent during the last five years by the Department in Western Bengal as compared with what was spent in Eastern Bengal during the same period?

Answer by the Hon'ble MR. KERR :—

"The Hon'ble Member is referred to the annual reports of the Department. The expenditure incurred in Western Bengal is not shown in the accounts of the Bengal Presidency separately from that incurred in Eastern Bengal."

Questions and Answers.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*7. Will the Government be pleased to state what steps have been taken to improve the output of sugar in Bengal and to improve the conditions of the sugar industry in the province? Output of sug in Bengal.

Answer by the Hon'ble MR. DONALD :—

" The Hon'ble Member is referred to the reply given to a question asked by the Hon'ble Babu Bhabendra Chandra Ray at the meeting held on the 7th August, 1916, which gives the information up to that date.

In September 1916, Mr. Annett, the Agricultural Chemist, was deputed to special duty in the United Provinces in connection with the war, and his work on date-gur has unavoidably been held in abeyance.

The examination of a number of Bengal varieties of sugarcane in regard to the sucrose content of their juices is proceeding at the Dacca Farm, and sugarcane setts are distributed from the agricultural stations."

The answers to the following Unstarred Questions were laid on the table :—

By the Hon'ble KHAN SAHIB AMAN ALI :—

I. (*a*) Is it a fact that one-fourth of the Chemistry seats in the Chittagong College are reserved for Muhammadan students? Muhammadan students in Chittagong College.

(*b*) If so, will the Government be pleased to state how many of these seats were allotted to Muhammadan students during the last three years?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Yes. The reservation has been made for the first time during the present session.

(*b*) The numbers of Muhammadans taking chemistry as a subject who have been admitted into the intermediate classes are—

1915-16	11
1916-17	13
1917-18	15 "

By the Hon'ble KHAN SAHIB AMAN ALI :—

II. (*a*) Is it a fact that the Chittagong College is able to accommodate another 15 to 20 students for Chemistry? Chemistry students in Chittagong College.

(*b*) If so, are the Government considering the desirability of increasing the number of Chemistry seats in the College?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) No.

(*b*) A scheme for increasing the accommodation of the intermediate chemistry classes has had to be kept in abeyance owing to financial stringency."

Questions and Answers.

By the Hon'ble KHAN SAHIB AMAN ALI :—

Boarding accommodation for Muhammadan students in Chittagong College.

III. (*a*) Will the Government be pleased to state the total number of students in the Chittagong College during the last three years as compared with the number of Muhammadan students?

(*b*) Has the attention of the Government been drawn to the need of the Muhammadan students of Chittagong College for an enlargement of their boarding accommodation?

(*c*) Will the Government be pleased to state the number of seats that have been provided for Hindu students and the number for Muhammadan students in the boarding-house attached to the College?

(*d*) Is it a fact that the Hindu students are accommodated in a two-storied *pucca* building, while the Muhammadan students are accommodated in an unprotected thatched house, which has no compound?

(*e*) Are the Government aware that this distinction has hurt the feelings of the Muhammadan students of that College?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) The figures are—

Year.	Total.	Muhammadans.
1915	287	59
1916	304	83
1917	329	95

(*b*) Yes. The matter is now under the consideration of Government.

(*c*) 40 seats have been provided for Hindus and 18 for Muhammadans.

(*d*) The Hindu hostel is a two-storied *pucca* building, and the Muhammadan hostel is a *kutcha* house, which is reported to be in no way unsatisfactory. Neither hostel has a compound.

(*e*) No."

By the Hon'ble KHAN SAHIB AMAN ALI :—

Increase in the number of College students in Chittagong.

IV. (*a*) Is it a fact that a considerably larger number of students than formerly have passed the Matriculation Examination from Chittagong during the last few years?

(*b*) Is it a fact that the President of the governing body of the Chittagong College has made a representation to Government for the establishment of a second grade College at Chittagong, or for provision for additional seats and combination of subjects in the present College?

(*c*) What effect (if any) have the Government given or are they giving to the said representation?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Yes.

(*b*) No.

(*c*) In view of the reply to (*b*) this question does not arise."

By the Hon'ble KHAN SAHIB AMAN ALI :—

Teaching of Logic in Chittagong College.

V. (*a*) Is it a fact that the Government have sanctioned the teaching of Logic in the Chittagong College?

(*b*) If so, will the Government be pleased to state when effect will be given to that sanction?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Yes.

(*b*) It is hoped to secure affiliation for the session of 1919-20."

By the Hon'ble KHAN SAHIB AMAN ALI :—

VI. (*a*) Has the attention of Government been drawn to the fact that the students of the Chittagong College are feeling the want of combination in Logic, Philosophy, Honours in English, and also the want of additional seats in Chemistry? Grievances of students in Chittagong College.

(*b*) If so, will the Government be pleased to state what scheme, if any, they have in contemplation to remove these wants and when the scheme is likely to be given effect to?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Government are aware that extended affiliation and additional seats in chemistry would improve the College. As stated in the reply to question No. 9, it is hoped to secure affiliation in logic for the session of 1919-20.

(*b*) A scheme for the construction of a separate building for the physics department and for alterations in the existing science building, so that it can be used for chemistry alone, has had to be kept in abeyance owing to financial stringency."

By the Hon'ble KHAN SAHIB AMAN ALI :—

VII. (*a*) Is it a fact that the Government of India have expressed a desire to convert successful High English schools into second grade Colleges? Conversion of High English Schools into Colleges.

(*b*) If so, will the Government be pleased to state what measures they are taking to give effect to the wishes of the Government of India?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) and (*b*) The Government of Bengal have received no communication on the subject from the Government of India."

By the Hon'ble KHAN SAHIB AMAN ALI :—

VIII. (*a*) Are the Government aware that the University have sanctioned the seats noted below to the Government and the aided High English schools of this Province? Number of seats in schools.

1. Class X	...	...	...	50
,, IX	...	...	...	50
2. Class VIII	...	...	...	40
,, VII	...	...	...	40
,, VI	...	...	...	40
,, V	...	...	...	30
,, IV	...	...	...	30
,, III	...	...	...	30

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(*b*) Are the Government also aware that the Inspector of Schools, Chittagong, has curtailed 15 seats in each of the first 2 classes, 5 seats in each of the second 2 classes and 10 seats in each of the third 2 classes?

(*c*) Are the Government also aware that the effect of the Inspector's circular has been that some 60 Muhammadan boys have been removed from Moslem High English schools?

(*d*) Are the Government considering the desirability of withdrawing the circular in question?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) The Hon'ble Member is referred to the reply given to clause (*b*) of question No. VII at the meeting of the Council held on 20th November, 1917.

(*b*) An extract from circular No. 16918-22, dated the 14th December, 1916, from the Inspector of Schools, Chittagong Division, to the Head Masters of Government high schools in that division is laid on the table.

(*c*) No.

(*d*) No."

An extract from Circular referred to in the answers by the Hon'ble Mr. O'Malley to question No. VIII (unstarred) (b) asked by the Hon'ble Khan Sahib Aman Ali at the Council meeting of the 22nd January, 1918.

No. 16918-22, dated Chittagong, the 14th December, 1916.

From—M. P. WEST, ESQ., B.A., officiating Inspector of Schools, Chittagong Division,

To—The Head Masters of all Government High Schools in the Chittagong Division.

IT is a matter of teaching experience that efficient work cannot be done with classes of more than 30 boys. You will therefore please consider it an absolute rule that in Government Schools in this Division not more than 35 boys may be enrolled in any section of classes X or IX, VIII, VII, not more than 30 in classes VI, V, IV, III. Your promotions and admissions should be made accordingly.

By the Hon'ble KHAN SAHIB AMAN ALI :—

Free studentships for Muhammadan students.

IX. (*a*) Is it a fact that the Government have reduced the grant of 8 per cent. of free studentships to Muhammadan students on the whole population of the school to 8 per cent. on the Muhammadan population of the school?

(*b*) If so, are the Government considering the desirability of restoring the former basis?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) No.

(*b*) The Hon'ble Member is referred to rules 4 and 5 of the rules for the award of free studentships in Government and in Government-aided schools, of which a copy is laid on the table."

Questions and Answers.

Rules referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. IX (unstarred) asked by the Hon'ble* KHAN SAHIB AMAN ALI *at the Council Meeting of the 22nd January, 1918, for the award of free-studentships in Government as well as in Government-aided schools.*

1. (*a*) Free-studentships in Government schools under the control of managing committees are awarded by the committee.

(*b*) The Inspector and the Inspectress of Schools control the award of free-studentships in Government schools for boys (including mixed schools) and Government schools for girls, respectively, which are not under managing committees.

2. Teachers in Government schools drawing salaries not exceeding Rs. 50 a month are allowed the privilege of educating, in the school in which they are employed, one child free and one child at half the usual rate of fees. Head Masters or Head Mistresses may grant these concessions.

3. Government pensioners (other than menials) who have retired from service in the Department of Public Instruction, and whose pensions do not exceed Rs. 25 a month, may be allowed the same privileges as teachers in Government schools. The concessions may also be extended to the orphans of officers who died in the service of the department while in the receipt of pay not exceeding Rs. 50 a month; and also to the orphans of pensioners of the department (other than menials) who were drawing pensions not exceeding Rs. 25 a month.

4. In Government as well as in Government-aided schools the numbers of non-Muhammadan and Muhammadan free students will ordinarily be 5 per cent. of their respective enrolments excluding free places granted in terms of the two preceding rules as well as scholarship-holders who have been granted free tuition.

5. In view of the backwardness of the Moslem community Muhammadan pupils in Government as well as in Government-aided schools will be allowed additional free places (over and above those provided for in the preceding rule) up to a limit of a further 10 per cent. of their own enrolment.

6. No pupil shall be eligible for a free-studentship who is above the age-limits prescribed in the appendix on the 1st January of the year in which the award is made.

7. Boys above those age-limits, who have already been awarded free-studentships, may be allowed to enjoy these privileges so long as they fulfil the conditions laid down in rule 8.

8. Free-studentships are awarded on conditions of good conduct and satisfactory progress as determined by school examinations.

APPENDIX.

Age limitation.

DACCA, CHITTAGONG AND RAJSHAHI DIVISIONS. Class.	Age-limit for free students. Years.	PRESIDENCY AND BURDWAN DIVISIONS. Class.	Age-limit for free students. Years.
X	... 16	I	... 16
IX	... 15	II	... 15
VIII	... 14	III	... 14
VII	... 13	IV	... 13
VI	... 12	Standard VI	... 12
V	... 11	" V	... 11
IV	... 10	" IV	... 10
III	... 9	" III	... 9

By the Hon'ble KHAN SAHIB AMAN ALI :—

X. (*a*) Are the Government aware that the Cox's Bazar Subdivision in Chittagong, consisting of nearly two lakhs and fifty thousand of Muhammadans and Buddhists, is not provided with a high English school? Proposed High English school for Cox's Bazar.

Questions and Answers.

(*b*) Is it a fact that the late Government of Eastern Bengal and Assam, in granting a provincialised middle English school for that place, promised to raise the status of the school to that of a high English school?

(*c*) If so, will the Government be pleased to state whether it is intended to establish a provincial high English school there?

(*d*) Will the Government be pleased to state whether, if the cost of the site and buildings for such a school are subscribed for locally, they would be disposed to take in hand the establishment of such a school?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Yes.
(*b*) No such promise is traceable.
(*c*) No.
(*d*) The establishment of Government high schools at subdivisional head-quarters is not in accordance with the general policy of Government, and Government are therefore not prepared to give the undertaking suggested."

By the Hon'ble KHAN SAHIB AMAN ALI :—

Improvement of the educational condition of Cox's Bazar people.

XI. (*a*) Are the Government aware that the people of Cox's Bazar Subdivision are all Government tenants paying a rent or revenue amounting nearly to four lakhs of rupees?

(*b*) Are the Government considering the desirability of improving the educational conditions of the people of this subdivision?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Approximately one-half of the area of Cox's Bazar subdivision is Government khas mahal paying a revenue of Rs. 3,70,239.

(*b*) The improvement of educational conditions in this subdivision has received constant attention and numerous steps have been taken towards this end."

By the Hon'ble KHAN SAHIB AMAN ALI :—

Proposed middle English school in Kutubdia.

XII. (*a*) Is it a fact that Kutubdia, an island in Chittagong, has a population consisting of 15,000, of whom 13,000 are Muhammadan cultivators and 2,000 low class Hindus, and that it yields a revenue of over Rs. 40,000?

(*b*) Is it a fact that there is neither a middle English school nor a junior Madrassa in the island?

(*c*) Are the Government considering the desirability of providing a provincialised middle English school or a junior Madrassa in this place?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) The population is 15,316, of whom 2,322 are Hindus and 12,994 are Muhammadans. The current revenue demand is Rs. 41,733.
(*b*) Yes.
(*c*) No such proposal has been submitted to Government."

By the Hon'ble KHAN SAHIB AMAN ALI :—

Bringing villages within easy reach of District Board dispensaries.

XIII. Will the Government be pleased to state what action has been taken by each of the District Boards in Bengal in regard to the Government Resolution No. 1478 Medical, dated the 31st August, 1917, and Government letter No. 2752 Medical, dated the 18th September, 1917, on the subject of

Questions and Answers.

bringing all the villages within easy reach of the District Board dispensaries, and whether any donation or grant in any shape has been offered by private gentlemen in this connection, and, if so, what measures have been taken to utilise the money?

Answer by the Hon'ble MR. DONALD :—

"Government have no information on the point and they propose to leave the Boards the opportunity of dealing with the question before taking further action."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XIV. (*a*) Is it a fact that the Government intend to provide Medical schools in the Chittagong, Rajshahi and Burdwan Divisions? Proposed Medical schools in certain divisions.

(*b*) If so, will the Government be pleased to state how far the plan for the establishment of such schools has advanced, especially in Chittagong?

Answer by the Hon'ble MR. DONALD :—

"The question of the establishment of Medical schools at centres outside Calcutta is now under the consideration of Government. No decision has yet been arrived at."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XV. (*a*) Are the Government aware that Nagendra Nath Ray II (Roll Cal. No. 1477) of the Ripon College, who received 359 marks in the aggregate was notified as having passed the last B.A. Examination long after the results were published? The case of two Muhammadan students at the last B.A. Examination.

(*b*) Is it a fact that although he was twice given grace marks, there still remained one mark short of the requisite pass marks, namely, 360.

(*c*) Is it also a fact that two Muhammadan students (Roll Cal. No. 59, St. Paul's C. M. College, and Roll Chi. No. 10, Chittagong College) who secured the same number of marks, namely, 359, without any grace, were failed?

(*d*) If so, are the Government considering the desirability of making an inquiry into the matter and of moving the University to grant the two Muhammadan students the privilege of obtaining the pass degree, which was granted in the case of the Hindu student?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*), (*b*) and (*c*) Government have no information.
(*d*) No."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XVI. Will the Government be pleased to lay on the table a statement giving for each of the last ten years— European Managers under Court of Wards.

(*i*) the names of all such Europeans or Anglo-Indians as are or have been employed in the work of management of Estates under the Court of Wards in Bengal and their respective offices;
(*ii*) the amount drawn by each per year as salary;
(*iii*) the personal allowances, if any, drawn by each;
(*iv*) the travelling charges and allowances drawn by each;

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(*v*) the conveyance charges at the headquarters debited to the Estate for each;

(*vi*) the house allowances or house rents paid on account of each; and

(*vii*) any other expenses of a personal nature debited to the Estate on account of each?

Answer by the Hon'ble MR. KERR :—

"A statement is laid on the table."

Statement referred to by the Hon'ble MR. KERR *to question No. XVI (unstarred) asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY *at the Council Meeting of the 22nd January, 1918, showing the names of Europeans or Anglo-Indians employed in the work of management of estates under the Court of Wards and the expenditure incurred from estate funds on account of their salary personal allowance, travelling allowances and travelling charges, conveyance charges at the headquarters, house-rent or house allowances, and other expenses of a personal nature.*

YEAR.	Name and designation of the officer and the estate in which employed.	Salary.	Personal allowance.	Travelling charges and travelling allowances.	Conveyance charges at the head-quarters debited to the estate.	House-rent or allowance.	Other expenses of a personal nature debited to the estate.	REMARKS
1	2	3	4	5	6	7	8	9
		Rs	Rs.	Rs.	Rs.	Rs.	Rs.	
1907-08 ...	A. C. Monnier, Esq., Manager of the Janbazar Estate in the 24-Parganas.	3,600	543	461	...	...	...	
1908-09 ...	Ditto ditto ...	3,600	600	661	...	...	...	
1909-10 ...	Ditto ditto ...	3,600	600	640	...	...	...	
1910-11 ...	Ditto ditto ...	3 600	600	765	600	...	...	
1911-12 ...	Ditto ditto ...	3,600	600	728	600	...	...	
1912-13 ...	Ditto ditto ...	3,600	600	525	600	...	...	
1913-14 ...	Ditto ditto ...	3,600	600	6[illegible]2	600	...	...	
1914-15 ...	Ditto ditto ...	3,600	600	408	600	...	...	
1915-16 ...	Ditto ditto ...	3,600	600	607	600	...	...	
1916-17 (up to 15th December 1916).	Ditto ditto ...	2,835	473	462	473	...	...	
1907-8 (from August 1907).	Colonel J. Hodding, C.I.E., Manager, Estates of the Nawab of Dacca and his co-sharers under the Court of Wards.	1,960	...	407	392	...*	142	*Manager lives in an estate house, part of which is used as an office by part of the estate staff.
1908-09 ...	Ditto ditto ...	4,040	...	280	638	...	267	
1909-10 ...	Ditto ditto ...	6,300	...	611	1,255	...	399	
1910-11 ...	Ditto ditto ...	7,613	...	642	1,505	...	489	
1911-12 ...	Ditto ditto ...	9,450	...	230	5,451	...	600	
1912-13 ...	Ditto ditto ...	9,450	...	805	2,460	...	635	
1913-14 ...	Ditto ditto ...	9,450	...	558	3,206	...	759	
1914-15 ...	Ditto ditto ...	9,450	...	98	3,332	...	637	
1915-16 ...	Ditto ditto ...	9,450	...	525	2,433	...	825	
1916-17 ...	Ditto ditto ...	9,450	...	516	2,582	...	642	
1907-08 (from August 1907).	H. C. F. Meyer, Esq., Agent, Estates of the Nawab of Dacca and his co-sharers under the Court of Wards, Barisal Agency.	1,205	...	...	36	...†	...	†Agent lives in an estate house, part of which is used as an office.
1908-09 ...	Ditto ditto ...	2,678	...	127	70	...	...	
1909-10 ...	Ditto ditto ...	3,616	...	29	108	...	...	
1910-11 ...	Ditto ditto ...	4,369	...	123	131	...	...	
1911-12 ...	Ditto ditto ...	7,209	...	329	168	...	...	
1912-13 ...	Ditto ditto ...	5,424	...	69	163	...	...	
1913-14 ...	Ditto ditto ...	5,424	...	153	163	...	...	
1914-15 ...	Ditto ditto ...	7,515	...	1,007	41	...	...	
1915-16 ...	Ditto ditto ...	5,424	...	57	112	...	...	
1916-17 ...	Ditto ditto ...	5,424	...	60	168	...	...	

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Year.	Name and designation of the officer and the estate in which employed.	Salary.	Personal allowance.	Travelling charges and travelling allowances.	Conveyance charges at the head-quarters debited to the estate.	House-rent or allowance.	Other expenses of a personal nature debited to the estate.	Remarks.
1	2	3	4	5	6	7	8	9
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1907-08 (from 31st July 1907.)	F. W. Needham, Esq., Agent, Estates of the Nawab of Dacca and his co-sharers under the Court of Wards, Jamurki Agency.	532	...	56	...	...	...	
1908-09 ...	Ditto ditto ...	1,048	...	45	...	...	...	
1909-10 ...	Ditto ditto ...	1,940	...	56	54	...	...	
1911-12 ...	F. W. Needham, Esq., Manager of the Bhawal Estate in Dacca.	13,685	...	1,698	2,775	...*	2,221	* Manager lives in an estate house.
1912-13 ...	Ditto ditto ...	15,100	...	1,995	2,775	...	2,454	
1913-14 ...	Ditto ditto ...	15,010	...	30	2,775	...	2,619	
1914-15 ...	Ditto ditto ...	17,500	...	964	2,775	...	2,756	
1915-16 ...	Ditto ditto ...	18,000	...	1,379	2,775	...	2,552	
1916-17 ...	Ditto ditto ...	18,037	...	1,019	2,775	...	2,360	
1911-12 ...	E. Bignold, Esq., General Manager of Estates (Karotiya, Golakpur and Sherpur under the Court of Wards in Mymensingh.	3,099	...	244	...	...	...	
1912-13 ...	Ditto ditto ...	7,316	...	981	...	847	...	
1913-14 ...	Ditto ditto ...	7,532	...	926	...	600	...	
1914-15 ...	Ditto ditto ...	7,783	...	1,059	...	768	...	
1915-16 ...	Ditto ditto ...	8,024	...	1,114	...	792	...	
1916-17 ...	Ditto ditto ...	8,199	...	986	...	396	...	
1911-12 (from November 1911 to March 1912).	S. C. Worth, Esq., acted as Assistant to the Wards Deputy Collector, Bakarganj, from November 1911 to 15th May 1912.	1,000	...	300	...	...	...	
1912-13 (from 1st April to 15th May 1912).	Ditto ditto ...	300	...	88	...	...	...	
1907-08 ...	M. M. Halliday, Esq., Manager, Kasimbazar (Sarail) Wards' Estate, in Tippera.	6,600	...	859	2,933	...	...	
1908-09 ...	Ditto ditto ...	6,600	...	502	644	...	...	
1909-10 ...	Ditto ditto ...	7,050	...	778	674	...	...	
1910-11 ...	Ditto ditto ...	8,400	...	485	1,805	...	...	
1911-12 ...	Ditto ditto ...	8,400	...	901	729	...	...	
1912-13 ...	Ditto ditto ...	8,400	...	458	749	...	...	
1913-14 ...	Ditto ditto ...	8,400	...	973	873	...	...	
1914-15 ...	Ditto ditto ...	8,400	...	963	520	...	...	
1915-16 ...	Ditto ditto ...	8,400	...	464	574	...	...	
1916-17 ...	Ditto ditto ...	8,400	...	580	2,549	...	...	
1907-08	C. H. Pope, Esq., Manager of the Tajhat Wards' Estate (released), in Rangpur.	8,400	...	427	...	1,704	284	
1908-09 (up to 2nd April 1908).	......	747	...	...	...	...	5,000†	† Represents bonus given to the Manager for his good service when the estate was released.

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Alleged torture of a *détenu* by the police.

XVII. (*a*) With reference to the allegations of torture made against the police by *détenu* Nalini Kanta Ghosh, which was stated to have formed the subject of an inquiry in the answer to unstarred question No. XXXIX asked at a meeting of the Legislative Council held on the 3rd July, 1917, will the Government be pleased to state the result of the said inquiry?

(*b*) Will the Government be pleased to lay on the table a copy of the statement made by the said Nalini Kanta Ghosh, to the District Magistrate of Dacca, as also the medical report about him by the Civil Surgeon of Dacca and the Assistant Surgeon of Narayanganj?

(*c*) Is it a fact that there is an entry in a register kept at the Dacca Central Jail, indicating the marks of violence on the person of the said Nalini Kanta Ghosh at the time of his admission into the said jail? Will the Government be pleased to lay on the table any such entry or statement which may be contained in any of the jail records?

Answer by the Hon'ble MR. KERR :—

"Nalini Kanta Ghosh was arrested on the 5th August, 1916, and arrived at Calcutta in custody on the 11th August. On the 17th August he was sent to Allahabad to stand his trial. He was produced before a Magistrate there but made no complaint of ill-treatment in Calcutta, and there is no record of any injuries being found on him then. While at Allahabad he wrote two letters, one to his uncle and the other to his brother, in which he mentioned the fact that he had been kept at Calcutta for seven days and asked for arrangements to be made for his defence, but there was not the slightest hint of any ill-treatment at the hands of the police. On the 31st August he was sent to Narayanganj to stand his trial there, and was produced before the Subdivisional Officer on the 2nd September, when for the first time he complained of ill-treatment by the police in Calcutta between the 10th and 17th August. He was examined by the Civil Assistant Surgeon, who reported that there were a number of scratches, bruises and abrasions on his person, some of which he described as severe. Nalini Kanta Ghosh was transferred to the Dacca Jail and examined on the 18th September by the Civil Surgeon, who reported that there were some faint marks on his wrist, upper arm and back, the results of very superficial scratches; he described them all as slight.

On receipt of these reports an inquiry was made by Government, with the result that they considered it established that the allegations against the Calcutta police were false. Government do not consider it desirable to lay on the table the reports and statements regarding the case. The case is now nearly eighteen months old, while Nalini Kanta Ghosh has been an absconder for over a year."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Certain remarks in the last Police Administration Report.

XVIII. (*a*) With reference to the statement made under section V of the Police Administration Report for 1916, to the effect that "a good deal of eloquence has lately been expended on the subject of increased expenditure on the Police," will the Government be pleased to state whether this has reference to certain discussions by non-official members in this Council in connection with the last Budget?

(*b*) If not, will the Government be pleased to explain the reference in the passage quoted above?

(*c*) If the answer to clause (*a*) be in the affirmative, will the Government be pleased to state—

(*i*) if it is usual for Heads of Departments to make such observations in regard to discussions in the Legislative Council; and

(*ii*) what rules, if any, written or unwritten, are there governing the action of Heads of Departments in this matter?

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Answer by the Hon'ble MR. KERR :—

"The remark was made by the author of the report on the basis of the published information available to him, from whatever sources it may have been derived. The unwritten rules governing the matter are those based on etiquette and good feeling, and in the present instance Government see no reason to suppose that they have been infringed."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XIX. (*a*) Will the Government be pleased to make a full statement of the facts and circumstances of a Civil suit which was instituted in the Munsiff's Court at Balurghat a few months ago by a private gentleman against Mr. Burton, Superintendent of Police, and in respect of which a decree has been passed? Civil suit aga a Police Superintendent.

(*b*) Is it a fact that on appeal by Mr. Burton, the decision of the Munsiff of Balurghat has been upheld by the District Judge of Dinajpur? What findings were arrived at by the two Courts on the points at issue?

(*c*) Was any special application made by the defence to have the appeal heard by the District Judge? If so, what were the reasons for such an application?

(*d*) Is it a fact that the Government Pleader of Dinajpur was engaged in both the Courts to defend Mr. Burton at the cost of Government? If so, what total cost has been incurred by Government in the defence of the suit up to date?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) The facts of the case and the findings of the two Courts are given in the judgment of the appellate Court, a copy of which is laid on the table.

(*c*) No. The Government pleader, on his own initiative and to suit his own convenience, verbally requested the District Judge not to transfer the appeal from his file.

(*d*) No. It was only in the lower Court that the Government pleader conducted the defence at the cost of Government; in the appellate Court Mr. Burton himself engaged him. The cost incurred by Government in the defence of the suit has amounted to Rs. 489-13-3."

Copy of the judgment referred to by the Hon'ble Mr. Kerr in his answer to question No. XIX (unstarred) asked by the Hon'ble Babu Bhabendra Chandra Ray at the Council meeting of the 22nd January 1918.

HEADING OF DECISION OF APPEAL.

APPEAL NO. 36 OF 1917 M.

The 17th December, 1917.

Appeal from the decision of Babu S. C. Mukharji, Munsif of Balurghat dated 29th January, 1917.

Mr. L. H. Burton ... ... *Appellant*,

Versus.

Lalit Chandra Das ... ... *Respondent.*

For appellant ... ... Babu Jatindra M. Sen, Government Pleader.

For respondent ... ... Babu Ramesh Chandra Neogy, Government Pleader.

Judgment.

1. THE plaintiff-respondent Lalit Chandra Das sued Mr. Burton, Superintendent of Police, of Dinajpur, for Rs. 150 damages for wrongfully breaking down a barbed wire fence separating the Porsha thana compound from a plot

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of land on the north. Plaintiff says that he took settlement of this land in 1910 and put up the fence in 1911 to protect his crops from the cattle and horses of the thana officers and that on 17th February, 1915, Mr. Burton crossed his land at night on an elephant and finding his passage obstructed by the fence broke his way through it and next morning had the whole fence, 125 cubits long, destroyed

2. Defendant's case is that the plaintiff is only a benamidar for his brother Satis, who was Sub-Inspector of Porsha from 1908 to 1910 and who acquired some 300 bighas of land while he was there. He says that a cart tract over the plaint land has existed for over 30 years and has been continuously used by the public. The passage was first obstructed in May, 1913, but the fence was at once broken down by the officer in charge of the thana. A fence was put up again in September, 1914 and the police objected to it and Satis Babu promised to remove it but did not do so. On 17th February, 1915, Mr. Burton and his assistant Mr. Bell found their passage obstructed by the fence, and Mr. Bell took his elephant over it and next morning the defendant instructed the police to remove so much of the fence as was necessary to open the passage. A few posts were accordingly pulled up, but no damage was done to the wire. The defendant claims that what was done was justifiable as an assertion of the right of way and that in any case the total damage did not exceed Rs. 5.

3. The learned Munsif has decreed the suit in part estimating the damage at Rs. 45.

4. In appeal it is contended that the plaintiff must be only a benamidar for his brother Satis, because he had not enough money to buy the land, and because he and Satis contradict each other as to how the purchase came to be made, and because it is extremely unlikely that the plaintiff who lives at Bogra, would buy land in such a distant and out of the way place as Porsha. It is also pointed out that Satis Babu more than once paid the rent and did so without instructions from the plaintiff.

5. There are certainly grounds for suspecting that Satis Babu is the real owner, but the title deeds are in the plaintiff's name and there is evidence that it was the plaintiff who provided the money. It is obvious that Satis Babu must have advised and negotiated the purchase, but there is nothing incredible in the story that the money was paid by his brother who is a Munsif's Sheristadar. The inconveniences of holding land in so remote a place as Porsa would be felt by Satis Babu just as much as by the plaintiff, since Satis Babu was not permanent at Porsa. It appears from Satis Babu's own evidence and from that of plaintiff's witnesses 6 and 7 that Satis Babu has in fact acquired some land at Porsa on his own behalf and that that land is immediately north of the plaint land. But there is no evidence beyond some suspicious circumstances to show that the plaint land too belongs to him. The suit cannot be dismissed on mere suspicion of this kind.

6. I think the learned Munsif is wrong in doubting whether any path ever existed. Apart from the evidence of police officers there is the evidence of D. W. 2 a patwari, who several times used the path. And it is incredible that this dispute would ever have arisen unless there was a path there at some time or other.

7. The learned Munsif's own finding is that Mr. Burton lost his temper because the passage over the plaint land was unexpectedly found closed. Mr. Burton had four times inspected Porsa thana and had once spent the Christmas holidays there. If he expected to find the passage open it is obvious that he must have found it open on previous occasions. The learned Munsif apparently has so poor an opinion of the temper of an European officer that he credits the Superintendent of Police with having ordered the immediate demolition of the whole fence, not because it blocked a previously existing path, but simply because it happened to stand in his way. I know nothing about Mr. Burton, but I am not prepared to believe that any responsible officer of Government would commit wanton damage for such a childish reason. And I have no doubt that when Mr. Burton who must have known the way to the thana, crossed the plant land in the dark on

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an elephant, he did so because he had been that way before. Mr. Burton was Superintendent of Police in this district from February, 1913 to November, 1915, and he cannot have expected to find an open passage there if the fence has existed since 1911 as the plaintiff and his witnesses say.

8. The learned Munsif has believed the plaintiff's witness and disbelieved the defence witnesses on all points on very insufficient grounds in my opinion. I particularly disagree with his manner of rejecting the whole of the evidence of Sub-Inspector Raj Kumar Chakrabatti and calling him "a deliberate perjurer" on the mere ground that he said that he was once degraded for six months, when the *Gazette* showed that he was degraded for a year. The *Gazette* notification was never brought to the Sub-Inspector's notice and he had no opportunity of explaining it. It was apparently shown to the Munsif behind the back of the witness and without the knowledge of the defence pleader. There was no motive for a deliberate perjury on such a trivial point as whether the period of degradation was six months or a year and I have no doubt that the Sub-Inspector could have explained the matter if he had had a chance. In my opinion the Sub-Inspector's evidence read as a whole, is much more reliable than that of the plaintiff's principal witnesses who have certainly lied on several points. The plaintiff and his brother Satis contradict each other several times about the purchase of the land, and Satis Babu contradicts Sris Babu about the wholesale destruction of the fence. I have no hesitation in accepting the defence evidence that a cart track across the plaint land did exist and was in constant use up to September, 1914.

9. But I cannot accept the argument of the appellant's pleader that the mere existence of the path was a sufficient justification for breaking down the fence. The plaintiff *primâ facie* had a right to fence his own land. And the defendant was not justified in breaking any portion of the fence unless he had a right of way over the land. The defence claims a right of way on the ground of user for over 20 years. But there are only two witnesses who speak of ancient user, namely, a dafadar and a cultivator, defendant witnesses 5 and 6. And they cannot be relied on because they contradict each other as to the description of the path of which they enjoyed the use. They both agreed in the first instance that it was a cart track 8 or 10 cubits wide, but in cross-examination the cultivator said that where the crops were standing the path was never more than 2½ cubits wide, while the dafadar said that 8 or 10 cubits were always left free of crops. The dafadar, moreover, has had no occasion to use the path for a longer period than 10 or 11 years, and it is not clear why the cultivator should have used the path at all. I hold that it is not proved that the path has been in existence for over 20 years.

10. I think, however, that it is highly probable that it has been in existence so long. For (though there is some evidence that the land was in cultivation before the purchase) the plaintiff particularly mentions that he purchased fallow land, and if the land was fallow when the thana was built 40 years ago, it is obvious that the thana officers and people visiting the thana would cross it rather than go round it. In view however of my finding that 20 years user is not established by the evidence I hold that the defendant has not proved that he had any right to break a passage through the fence. His plea of justification ought to have been supported by conclusive evidence of 20 years user.

11. The Easement Act (Act V of 1882) does not apply to Bengal, but I notice that by section 36 of that Act the owner of an easement cannot himself abate a wrongful obstruction of it. I apprehend, however, that he can do so in Bengal if he is prepared to prove that the easement exists.

12. The amount of damage done has undoubtedly been exaggerated by Sris Babu, who says that every bit of the fence was destroyed and who is contradicted by Satis Babu himself on that point. For Satis Babu found some post still standing. On the other hand the defence witnesses must have made too little of the damage done. They say that no wire at all was cut. But the Dafadar's evidence shows that the uprooted posts were carried away. And it stands to reason that the thana officers did not leave barbed wire lying on the ground to cut their legs and feet. So it looks as if one full length of the wires must have been removed. I do not know the usual length

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of a strand of barbed wire, but it can hardly be less than 50 feet. And if the wire was cut, I imagine that at least 50 feet of the fence must have been removed. The opening must, therefore, have been unnecessarily large. And the plaintiff has exaggerated it into a destruction of the whole fence in order to defeat the plea of justification. The old materials were used in re-erecting the fence so the actual damage to the plaintiff was probably only the cost of the labour. Some of the posts may, however, have had to be replaced as the fence was not put up again for six months. I think the learned Munsif's estimate of Rs. 45 as the amount of damage caused to the plaintiff may under the circumstances not be too large, though if the fence had been re-erected at once the defendant's estimate of Rs. 5 would probably been nearer the mark.

The result is that I affirm the decision of the lower Court and dismiss the appeal with costs.

R. GARLICK,
District Judge.

DINAJPUR;
The 17th December, 1917.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Proposed amendment of the Bengal Settled Estates Act.

XX. (*a*) With reference to the answer given on the 5th March, 1913, in the Bengal Legislative Council, to a question asked by the Hon'ble Maharajadhiraja Bahadur of Burdwan, regarding the amendment of the Bengal Settled Estates Act of 1904, will the Government be pleased to state the purport of the report submitted by the Committee referred to in the said answer and the amendments suggested by them?

(*b*) Has the attention of Government been drawn to a resolution adopted at the recent Conference of Bengal Zamindars regarding the desirability of having a legislative enactment to protect the estates of zamindars against partition and encumbrance?

(*c*) If so, will the Government be pleased to say whether they are considering the desirability of appointing a Committee to suggest the lines on which the Bengal Settled Estates Act may be amended so as to make it more popular?

Answer by the Hon'ble MR. KERR :—

" (*a*) The purport of the Committee's report is stated in the answer to the question referred to by the Hon'ble Member.

The amendments suggested were as follows:—

(*1*) that the functions of the Local Government should be confined to the determination of the question whether the family of the applicant for settlement is of the necessary status, and that the subsequent proceedings should be conducted by a Civil Court selected for the purposes of each case by the Local Government or the Commissioner;

(*2*) that the period of settlement should be extended to an additional generation;

(*3*) that the powers of revocation by succeeding sons should be strictly limited;

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(4) that the fee payable upon an application should be reduced to a nominal sum or abolished, and that the duty should be realized as a probate duty on each occasion on which a succession occurs; and

(5) that the financial condition of the estate should not be published.

(b) Yes.

(c) The subject of appointing a Committee is not at present under the consideration of Government. It appears from the resolution referred to in clause (b) of the question that the Conference of Bengal Zamindars intended to have the subject examined by a Committee of Zamindars before memorialising Government."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXI. Will the Government be pleased to explain the system of supervision over village chaukidars which is stated to have been introduced by Mr. Whalley, Superintendent of Police, Jessore, with success? Supervision over village chaukidars.

Answer by the Hon'ble MR. KERR :—

"The object of the system is to secure systematic and efficient patrols by chaukidars at the most dangerous periods of the night. A fixed number of chaukidars of each union parade at a different fixed point within the union on each night of the week. They do not arrive at the fixed point before 10 P.M. and must leave again for their homes between 3 and 4 A.M. looking up bad characters on the way. The points are fixed, preferably near the residence of a member of the panchayat or other responsible villager willing to supervise the arrangements and the chaukidars are selected so that as large a portion of the union as possible is covered. The chaukidars report vital statistics, facts regarding bad characters and anything else of importance, and the panchayat, villager or daffadar, who receives this information, despatches it to the president panchayat and to the thana officer. Similarly, any information and orders received from the thana are communicated to the chaukidars at the fixed point. The ordinary parades before the president panchayat and thana officer are abolished, excepting the quarterly pay parade.

The District Magistrate reports that public opinion welcomed the scheme and that the results are promising. The Range Deputy Inspector-General in inspecting the district also observed that crime had been checked owing to the greater vigilance enforced."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXII. (a) Will the Government be pleased to state the number of new thanas which have been created in each district since 1912? Creation thanas.

(b) How far has the number of cognizable crimes been affected in each area since the creation of such new thanas?

Answer by the Hon'ble MR. KERR :—

"(a) A statement containing the information is laid on the table.

(b) The fluctuations of cognisable crime are governed by various causes and Government see no advantage in undertaking a troublesome compilation of figures which would compare the variations by one standard only, and to that extent would be merely misleading."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. KERR *to question No. XXII (a) (unstarred) asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY *at the Council Meeting of the 22nd January, 1918.*

	Names of districts.					Number of new police stations created since 1912.
1.	Bankura	...	...	...	...	2
2.	Birbhum	...	...	...	...	2
3.	Burdwan	...	...	...	...	6
4.	Howrah	...	...	...	...	1
5.	Jessore	...	...	...	...	1
6.	Khulna	...	...	...	...	3
7.	Rajshahi	...	...	...	...	6
8.	Rangpur	...	...	...	...	8
9.	Dinajpur	...	...	...	...	7
10.	Pabna	...	...	...	...	1
11.	Bogra	...	...	...	...	3
12.	Malda	...	...	...	...	2
13.	Dacca	...	...	...	...	13
14.	Mymensingh	...	...	...	...	13
15.	Faridpur	...	...	...	...	6
16.	Bakarganj	...	...	...	...	4
17.	Chittagong	...	...	...	...	1
18.	Tippera	...	...	...	...	6
					Total ...	85

NOTE.—No new thana has been created during the period in any of the districts not named.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXIII. (*a*) Will the Government be pleased to make a statement giving the names and ages of any political prisoners in Bengal who may have been kept under observation or treatment for mental derangement during the last two years, and the period of detention undergone by such prisoners?

(*b*) In which of these instances, if any, were the person or persons kept in solitary confinement, and for what periods were they so kept previous to such treatment or observation?

(*c*) How and where is each of these persons being treated now?

(*d*) Will the Government be pleased to make a similar statement with regard to any political prisoners who may have developed symptoms of tuberculosis?

Answer by the Hon'ble MR. KERR :—

"(*a*), (*b*) and (*c*) Besides Jyotish Chandra Ghosh, the particulars of whose case are given in answer to question No. LXIX, one other State prisoner was kept under observation for suspected mental derangement, but as the Medical Board reported that he was quite sane, it is not considered desirable to give his name or particulars regarding him. Another person who was made a State prisoner in August, 1916, and is stated to have suffered from his childhood from religious delusions, was reported to have developed suicidal tendencies in March, 1917. The medical officers reported

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that he should not be sent to an asylum. Another State prisoner was therefore placed with him in his cell and he was kept under observation. He was finally released to the care of his relatives on the 3rd September, 1917. It is not considered desirable to publish his name.

(*d*) No State prisoners have been reported to have developed tuberculosis."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXIV. (*a*) Will the Government be pleased to make a statement with regard to Jyotish Chandra Ghosh, M.A., a political prisoner, noting the present condition of his health and his place of confinement?

(*b*) Is there any truth in the statement that he has become insane?

(*c*) Is it a fact that his relatives have not succeeded in getting an interview with him although several attempts have been made with this object?

Answer by the Hon'ble MR. KERR :—

" (*a*), (*b*) and (*c*) The Hon'ble Member is referred to the answer given to question No. LXIX."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXV. (*a*) Is it a fact that Munsiffs and Sub-Judges used to be transferred once during the Easter holidays and again during the Puja vacation?

(*b*) Will the Government be pleased to state whether this practice has been discontinued of late?

(*c*) Are the Government considering the desirability of making these transfers once a year, during the Christmas vacation?

Answer by the Hon'ble MR. KERR :—

" (*a*) From 1900 to 1916 a limited number of transfers took place each year at Easter as well as during the Puja vacation.

(*b*) In 1917 there were no general transfers at Easter, although, for special reasons, there were isolated transfers on various dates between Easter and the Puja vacation.

(*c*) No proposal to make transfers during the Christmas vacation only is under the consideration of Government or of the High Court on whose recommendation these transfers are made."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXVI. Will the Government be pleased to lay on the table a copy of the estimates for remodelling the Gazipore and Udong sluices in the left Damodar embankment in the Uluberia Subdivision of the Howrah district?

Answer by the Hon'ble MR. COWLEY :—

" The Hon'ble Member appears to be under some misapprehension. No estimate has been prepared for the remodelling of the Gazipore and Udong sluices in the left Damodar embankment."

Questions and Answers.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Experimental Agricultural Farms in the Presidency and Burdwan Divisions.

XXVII. (*a*) Will the Government be pleased to give the names of experimental Agricultural Farms in the Presidency and Burdwan Divisions?

(*b*) Are the expenses of these farms borne by the Government?

Answer by the Hon'ble MR. KERR :—

" (*a*) There are no experimental Agricultural Farms in the Presidency Division: there are such farms at Chinsura and Burdwan in the Burdwan Division.

(*b*) The expenses of the Chinsura Farm are borne by Government, and those of the Burdwan by the Hon'ble the Maharajadhiraja Bahadur of Burdwan."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Non-official visitors for political prisoners.

XXVIII. Will the Government be pleased to lay on the table a statement showing the names of non-official visitors who have been specially appointed to visit political prisoners confined in the jails of Bengal?

Answer by the Hon'ble MR. KERR :—

" The Government of India under section 4 of Bengal Regulation III of 1818 have in the case of each State prisoner in Bengal appointed the District Magistrate to visit such prisoner. No non-official visitors have been appointed."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Estates under Court of Wards in Dacca Division.

XXIX. (*a*) Will the Government be pleased to make a statement for the Dacca Division giving—

(*i*) the names of proprietors whose estates have been taken charge of by the Court of Wards;

(*ii*) the amount of debt on the date of assumption of charge by the Court of Wards; and

(*iii*) such amount of principal as may have been repaid up to date?

(*b*) Are the Government in a position to state—

(*i*) how much of such payment towards the principal has been made out of the revenues of the individual estates;

(*ii*) how much thereof out of the sale-proceeds of movable and immovable properties; and

(*iii*) how much out of the premia on permanent leases of immovable properties?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) A statement is laid on the table.'

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. KERR *to question No. XXIX (unstarred) asked by the Hon'ble* BABU BROJENDRA KISHOR RAY-CHAUDHURI *at the Council meeting of the 22nd January, 1918, showing the names of Proprietors of the estates under the management of the Court of Wards in the Dacca Division, their debts on the date of assumption of charge and the payments thereof.*

DISTRICT.	Name of estate.	*Names of Proprietors.	Date of assumption of charge.	Amount of debt of the estate on the date of assumption of charge by the Court of Wards.	AMOUNT OF PRINCIPAL DEBTS PAID UP TO DATE. Out of the revenue of the estate.	Out of the sale proceeds of movable or immovable properties.	Out of the premia on permanent leases of immovable properties.	Total.
1	2	3	4	5	6	7	8	9
				Rs.	Rs.	Rs.	Rs.	Rs.
Dacca ...	Estates of the Nawab of Dacca and his co-sharers.	Nawab Khwaja Habibulla ... Khwaja Allimulla ... ... Do. Hafizulla ... ... Do. Nasirulla ... ... Do. Ahsanulla ... ... Ashmatunnessa Khanum ... ... Roshan Aktar Khanum ... ... Nuznijan Khanum ... ... Azizunnessa " ... ... Ahmadi Banu ... ... Khorsaidi Banu ... ... Aftab " ... ... Farhat "	10th September 1907...	16,25,000	...	3,60,000	18,715	3,78,715
Do. ...	Nawab family estate (Khwaja Attickulla).	Khwaja Attickul'a	26th October 1910 ...	8,77,397	...	92,271	...	92,271
	Nawab family estate (Muhammad Ashruff.)	Do. Salauddin ... ... Do. Nuruddin ... ... Sha Banoo ... ... Chanda Begam	28th October 1904 ...	1,97,431	52,397	63,108	5,926	1,21,431
	Nawab family estate (Abdul Alim).	Khwaja Abdul Karim ... ... Do. Abdur Rahim ... ... Sai ha Khanum	27th July 1910 ...	60,000	8,516	...	...	8,516
	Amina Bano ...	Nawabzadi Amina Bano Khanum	16th January 1909 ...	...	...	.	...	...
	K. M. Ismail ...	Khwaja Muhammad Ismail ...	3rd April 1910 ...	...	...	...	...	...
	Azghari Khanum	Azghari Khanum	March 1911	...	...	...	...	...
Do. ...	Bhawal .. ... Do. ... ... Do.	Srimati Sarayu Bala Debi ... .. Srimati Bibhabati Debi ... ... Do. Ananda Kumari Debi ...	23rd April 1911 ... 1st October 1912 ... 17th September 1913...	32,49,018	8,90,195	...	...	8,90,195*
Do.	Talipabad ...	Maulvi Chaudhury Kazimuddin Ahmed Siddiqui.	25th April 1911 ...	1,993	1,993	...	..	1,993
Mymensingh ...	Karatiya	Maulvi Haiderali Khan Panee ... Maulvi Jafarali Khan Panee ... Maulvi Syed Muzafaral Mussavi ... Mussamat Syadani Masuda Khatun	7th August 1910 ... 17th March 1911 ...	2,71,437	50,776	12,310	...	63,086
Ditto ...	Golakpur	Kumar Upendra Chandra Chaudhury.	9th September 1910...	6,66,058	1,24,386	...	...	1,24,386
Ditto ...	Sherpur	Rai Bahadur Radha Bullav Chaudhury and Mr. Banwari Lal Chaudhury.	8th February 1911 ...	1,24,371	21,895	...	...	21,895
Bakarganj ...	A. K. Debi ...	Srimati Apurba Kumari Debi ..	5th July 1915 ...	150	150	...	...	150
Ditto ...	Bhukail'as No. III	Babu Satya Priya Ghosal ...	15th October 1904 ...	21,599	21,599	..	...	21,599
Ditto ...	Deb Nath Datta	Ramanath Dutta by Executrix Srimati Sushila Sundari Dutta.	5th August 1899 ...	56,142	40,142	...	..	40,142
Ditto ...	Dasmina	Maulvi Abdul Hamid Talukdar Musamat Arfatennessa Khatun. Maulvi Abdul Selam Talukdar ... Maulvi Abdul Mazid Talukdar ... Musamat Azizunnessa Khatun ... Maulvi Abdul Hadi Talukdar ...	22nd November 1906	41,050	10,895	...	...	10,895
Ditto ...	Amrajuri ...	Babu Ramanath Dutta by Executrix, Srimati Sushila Sundari Dutta. Babu Jogendra Nath Dutta ...	8th September 1899	244	244	...	...	244
	H. A. Lucas ...	Mrs. H. A. Lucas	22nd November 1906	55,154	23,102	...	19,052	42,154
	K. M. Roy and others.	Babu Apurba Krishna Ray Chaudhury. Babu Upendra Krishna Ray Chaudhury, Executor to the Estate of late Babu Mukunda Lal Ray Chaudhury. Srimati Svarna Lata Chaudhurani, Executrix to the Estate of late Babu Giridhari Lal Ray Chaudhury. Babu Ramani Mohan Ray ...	3rd October 1884 ...	...	...	...	...	...
Ditto ...	Dakshin Shabazpur.	Babu Ananda Mohan Ray and others	3rd July 1896 ...	695	695	...	...	695
Ditto ...	Lucas-Harney ...	Mr. R. T. Lucas ... ... Mr. J. Lucas ... ... Mr. T. W. Harney	30th April 1894 ... 8th May 1894 ... 27th January 1916 ...	353	353	..	...	353
Ditto ...	Khuntakhali ...	Maulvi Abdul Azahar Chaudhury and others.	28th April 1905 ...	311	311	...	...	311

* Of the amount of debt shown in column 5, Rs. 16,24,722, represents the claims of the proprietors against each other and Rs. 5,30,990 were written off by compromise or otherwise, thus leaving Rs. 10,93,306 actually payable to outsiders.

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

The Munsiff's Court in Tangail.

XXX. (*a*) Will the Government be pleased to make a statement showing the total number of suits of each kind instituted and disposed of in the Court of the Munsiff at Tangail in 1917?

(*b*) From what date has there been only one Munsiff posted at Tangail instead of three?

(*c*) What is the total number of his working days since his appointment at Tangail?

(*d*) What is the total number of suits of each kind disposed of by him during the period he has been working alone at Tangail?

Answer by the Hon'ble MR. KERR :—

"(*a*) The figures are as follows :—

Class of suit.		Total number— Instituted.	Disposed of.
Small Cause Court suits	...	3,118	2,305
Money suits ...	...	2,136	2,236
Rent suits ...	...	2,761	2,740
Title suits ...	...	814	849
Total	...	8,829	8,130

(*b*) From the 8th March, 1917, to the close of the year.

(*c*) 197 days.

(*d*) The following figures show the number of suits disposed of since March 1st, 1917. Separate figures from March 8th are not available :—

Class of suit.			Total number disposed of.
Small Cause Court suits	...	...	1,447
Money suits ...	...	...	1,751
Rent suits ...	...	...	2,676
Title suits ...	...	...	590
Total		...	6,464'

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

The present Munsiff of Tangail.

XXXI. (*a*) Is it a fact that the present Munsiff has, during this period had to work often till about 8 o'clock at night and sometimes even up to 10 P.M.?

(*b*) Are the Government aware of complaints that have been publicly expressed against the way cases are hurried through by the present Munsiff at Tangail?

Answer by the Hon'ble MR. KERR :—

"(*a*) It is presumed that the question relates to Babu Amrita Lal Mukharji, who is now officiating as Subordinate Judge at Mymensingh. It is reported that in the period of 14 months during which he served as Munsiff at Tangail, this officer sat on two occasions till after 9 P.M. and on 15 occasions till after 8 P.M.

(*b*) The District Judge reports that complaints were made on the subject both to him and to the High Court."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXII. (*a*) Is it a fact that only one out of eight Professors in the Oriental Department of the Sanskrit College is in the Provincial Educational Service, whereas in the English Department four out of seven Professors are in that Service? If so, how do the Government explain this difference? The Sanskrit College staff.

(*b*) What is the scale of pay and promotion of the Professors of the Sanskrit College in the Sanskrit and English Departments, respectively?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Excluding the Principal, there are three officers of the Provincial Educational Service on the tutorial staff of the English Department and one Provincial Educational Service officer on the tutorial staff of the Oriental Department. The English Department being an Arts College, three officers of the Provincial Educational Service, with suitable academic qualifications, have been appointed to the tutorial staff.

(*b*) In both Departments the present tutorial staff consists of officers of the Provincial Educational Service and Subordinate Educational Service, whose pay and promotion are regulated by the rules of those services."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXIII. Will the Government be pleased to state the conditions under which the Banga Mohila Vidyalaya was amalgamated with the Bethune School? Amalgamation of Banga Mohila Vidyalaya with Bethune School.

Answer by the Hon'ble MR. O'MALLEY :—

" Government regret that they are unable to supply the information asked for. The records of 1878 and 1879 have been searched, but they contain no information on the subject."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXIV. With reference to my unstarred question of the 20th November, 1917, on the prospect of ground-nut industry in Bengal, will the Government be pleased to state whether the Agricultural Department has any officer trained in the methods of combating the spread of the disease of the ground-nut crop referred to in the answer thereto? Ground-nut crop in Bengal.

Answer by the Hon'ble MR. DONALD :—

" The investigation of ground-nut diseases has been undertaken by the Imperial Department of Agriculture, and pending the results of investigation the methods of combating disease cannot be determined."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXV. Will the Government be pleased to state the reasons that led to the enhancement of fees payable by the students in the Sibpur Civil Engineering College from Rs. 10 to Rs. 15 monthly and in the Medical College from Rs. 96 to Rs. 125 annually? Enhancement of fees in Sibpur Engineering and Medical Colleges.

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" The Hon'ble Member presumably refers to the tuition fees payable for the intermediate course of the Engineer Department. These have not been enhanced. They continue to be Rs. 120 a year, but are payable in eight instalments of Rs. 15 instead of in twelve instalments of Rs. 10.

The fees at the Medical College were raised because the amount paid by each student was held to be an inadequate contribution towards the cost of his instruction. It may be noted that the previous rate of Rs. 96 did not include fees for the practical classes, while the fee of Rs. 125 is a consolidated one, including fees for practical classes. The net increase was only half the apparent increase."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

High price of salt.

XXXVI. (a) Will the Government be pleased to state what has so far been done by them to ease the situation created by the high price of salt?

(b) Have the Government received any applications from any private individuals for permission to manufacture salt?

(c) Will the Government be pleased to state what orders have been passed on such applications, if any?

(d) Is it a fact that one Abdul Barik Hai of Noakhali has applied to the authorities for permission to manufacture salt at Sandwip, Charbadu and Siddhidwip, stating that if a license in that behalf be granted to him, he will be in a position to sell salt at one anna a seer and further that he is ready to deposit Rs. 1,000 by way of duty in advance?

(e) Are the Government considering the desirability of moving the Government of India with a view to relaxing the present rules so as to enable any private individual to manufacture salt, duty free, sufficient for his private consumption?

Answer by the Hon'ble MR. DONALD :—

" (a) and (e) The Hon'ble Member is referred to the statement that will be made in the course of the debate on the Hon'ble Babu Surendra Nath Roy's resolution on the subject of the manufacture of salt.

(b) Yes.

(c) No final orders have yet been passed.

(d) Abdul Barik Hai made an application for permission to manufacture salt on an agreement that he should sell the salt at one anna per seer and pay duty to Government at the rate of Rs. 1,000 per annum in respect of the salt so manufactured. He did not offer to deposit Rs. 1,000 by way of duty in advance."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Allowances to Criminal Investigation Department officers.

XXXVII. (a) Will the Government be pleased to state the scale of allowances received by officers of the Intelligence and Special Branches of the Criminal Investigation Department of different grades?

(b) What proportion, if any, of the salaries of each grade do the respective allowances represent?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (*a*) The officers and men employed in the Intelligence Branch, Bengal, and the Special Branch, Calcutta, are in receipt of the following monthly local allowances :—

	Calcutta Police. Special Branch.	Bengal Police, Intelligence Branch.
	Rs.	Rs.
Superintendent	......	150
Assistant Commissioner	150	......
Deputy Superintendent	......	150
Inspector	100	100
Sub-Inspector	50	75
Head constable on investigation work ...	25	25
Ordinary head constable	8	8
Constable on investigation work	10	10
Ordinary constable	4	4

(*b*) The following table shows the proportion of the Intelligence Branch allowances to the pay of the officers and men of the different ranks :—

	Calcutta Police, Special Branch.	Bengal Police, Intelligence Branch.
Superintendents	......	16 per cent. of pay.
Assistant Commissioners ...	33 per cent. of pay.	......
Deputy Superintendents ...	......	41 per cent.
Inspectors	40 per cent.	51 per cent.
Sub-Inspectors	33 per cent.	104 per cent.
Head constables on investigation work	113 per cent.	125 per cent.
Ordinary head constables ...	36 per cent.	40 per cent.
Constables on investigation work ...	77 per cent.	83 per cent.
Ordinary constables	31 per cent.	33 per cent."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :-

XXXVIII. (*a*) With reference to the rule laid down at page 71 of the Technical Rules and Instructions of the Settlement Department, 1916, in connection with commutation proceedings, to the effect that " a rent exceeding one-fifth of the value of the gross produce is ordinarily excessive, and the rent settled by commutation should not exceed such a value, except for special reasons, which must be fully recorded," will the Government be pleased to state the considerations that led to the determination of the maximum proportion referred to above? Commutation proceedings under the Bengal Tenancy Act.

(*b*) Is it a fact that section 40 of the Bengal Tenancy Act, 1885, contemplates that each individual case of commutation is to be determined according to its own facts and circumstances?

(*c*) Did the Government obtain legal opinion before issuing the instructions above referred to, with regard to the legality of laying down a uniform maximum rate for the different localities without regard to the circumstances of each case of commutation? If so, will the Government be pleased to state the purport of such legal opinion?

(*d*) Are the Government aware of the opinion that has been expressed that the maximum rate fixed is considered inadequate and unjust by the landlords?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(*a*) The proportion of one-fifth of the value of the gross produce was taken from clause 75 of the Bengal Tenancy Bill, 1883.

(*b*) Yes, and rule 7 of Chapter XI of the Technical Rules and Instructions prescribes the individual examination of each tenancy.

(*c*) No legal opinion was taken or required. The rules do not lay down an uniform maximum rate for different localities without regard to the circumstances of each case. The whole of the sub-paragraph from which the Hon'ble Member has taken an extract reads as follows :—

'The money rent should, according to circumstances, be ordinarily fixed at the average money rent payable by occupancy raiyats for lands of a similar description and with similar advantages in the vicinity, *plus* a suitable proportion of the difference between it and the average value of the rent received by the landlord. It should be remembered that a rent exceeding one-fifth of the value of the gross produce is ordinarily excessive, and the rent settled by commutation should not exceed such a value except for special reasons which must be fully recorded.'

(*d*) Government are aware that there are differences of opinion as to what is a fair rent on commutation."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Supply of fry by Fisheries Department.

XXXIX. (*a*) Will the Government be pleased to state from what sources the Department of Fisheries obtains its supply of fry?

(*b*) Does the Department guarantee the purity of the fry supplied by it to private parties; or are the kinds of fry so supplied in any way different from those ordinarily obtained?

(*c*) At what rates on an average are the different kinds of fry purchased by the Department, and at what are they sold by it?

Answer by the Hon'ble MR. KERR :—

"(*a*) Nearly all the fry are obtained from the Damodar river.

"(*b*) The Department does not guarantee purity. The fry are superior to those ordinarily obtained, because they are examined generally by the Director of Fisheries and his staff with a view to the rejection of consignments which contain either predatory fish or the fry of fish other than carp. It is not possible in view of the large quantities dealt with that such examination should be complete, but it is believed that such examination as is possible has the effect of deterring the fisherman employed from wilfully collecting fry known to be impure, and that the result is that the fry supplied by the Department are much purer than those supplied by itinerant vendors.

(*c*) The Department sell the fry at the same rates at which they purchase it. The rates vary according to the season and the average rate is Rs. 2 per 1,000."

By the Hon'ble KISHORI MOHAN CHAUDHURI :—

Revised edition of the Education Department rules and orders.

XL. (*a*) Are the Government aware that the revised edition of the rules and orders of the Education Department of the Government of Bengal has not yet been published and that the old one is out of print, and much inconvenience is being felt on this account by the authorities of newly-started educational institutions?

(*b*) Will the Government be pleased to state when the revised edition will be published?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"(a) Yes.

(b) The revision of the book has been taken in hand and will be completed as soon as possible. A large part of the revised edition is already in print."

By the Hon'ble RAI DEBENDRA CHUNDER GHOSE BAHADUR :—

XLI. (a) Are the Government aware of the public protests against the existence of borrow-pits by the side of the extension of the Eastern Bengal Railway which crosses Russa Road and Tolly's Nala within the city of Calcutta and then goes towards Budge-Budge and the Kidderpore Docks? Borrow-pits in Calcutta and Suburbs.

(b) Has the attention of the Sanitary Commissioner of the Government ever been drawn to the danger to the sanitation of the town and country arising from the existence of these pits?

(c) Are the Government considering the desirability of taking early steps with a view to having these borrow-pits filled up and the tract through which the railway lines passes made sanitary and more healthy?

Answer by the Hon'ble MR. COWLEY :—

"The reply is in the negative. It is understood, however, that the attention of the Corporation has recently been drawn to the subject and that inquiries are being instituted with a view to improving the borrow-pits."

By the Hon'ble RAI DEBENDRA CHUNDER GHOSE BAHADUR :—

XLII. (a) Are the Government aware of the silted-up condition of Tolly's Nala in Calcutta, which has resulted in great inconvenience to the public? Condition of Tolly's Nala.

(b) Are the Government aware that the Calcutta Improvement Trust require earth for filling up insanitary tanks in Bhowanipore in connection with their scheme No. V, and that they are going to spend a sum of five lakhs and a half for obtaining the necessary earth by excavating a large lake in the Dhakuria side of the town of Calcutta?

(c) Will the Government be pleased to explain why they refused the application of the Calcutta Improvement Trust to take the necessary earth from Tolly's Nala?

Answer by the Hon'ble MR. COWLEY :—

"(a) Yes: the Hon'ble Member is referred to the answer given in this Council to the question asked by him at the meeting of the 3rd July, 1917.

(b) It is true that the Calcutta Improvement Trust intend to spend a large sum for acquiring land in order to obtain earth necessary for raising sites and filling up tanks; but this undertaking is not for scheme V alone, as the question implies, but for schemes IV and IV-A as well as scheme V and for other schemes to be executed in the future.

(c) Government have received no such application from the Calcutta Improvement Trust."

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Muhammadan students' hostel at Dacca.

XLIII. With regard to the answer given to my question No. VIII (unstarred) on the 18th December, 1917, will the Government be pleased to state—

(*i*) the total number of Muhammadan students who will at the present time be required to pay at the higher rate of Rs. 3-8 a month;

(*ii*) the total number of Muhammadan students who will at the present time be accommodated in the Dacca Secretariat building, and the total maximum number which it is proposed to accommodate there;

(*iii*) whether non-Moslem students will also be accommodated along with Moslem students in the building;

(*iv*) who first suggested the proposal to transfer Muhammadan students from the Hostel, and who are the gentlemen, official and non-official, whose opinion was consulted; and

(*v*) the total number of Muhammadan students in Dacca, excluding those that live with their guardians?

Answer by the Hon'ble MR. O'MALLEY :—

" (*i*) 76.

(*ii*) The figure in both cases is 110.

(*iii*) 140 Hindu students, who used to live in messes, will occupy a separate portion of the building.

(*iv*) The Finance Sub-Committee of the Dacca City Educational Council first suggested that students of the Dacca College who lived in messes should be accommodated in the Secretariat building. It was subsequently proposed by the Principal of the Dacca College and the Director of Public Instruction that the Muhammadan students of the College, whether resident in the College hostel or in messes, should be provided with a hostel in the building.

(*v*) The figures are not available."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

The Mohsin Fund grants.

XLIV. Will the Government be pleased to state—

(*i*) the average for the financial years 1912—17 of the grants annually given from the Mohsin Fund to schools and colleges on account of short fee payments of Muhammadan pupils and students;

(*ii*) the average total number of Muhammadan students, who received the benefit of these grants in the shape of short fee payments during the period;

(*iii*) the total number of scholarships created by the conversion of the grant into stipends.

Answer by the Hon'ble MR. O'MALLEY :-

" (*i*) Rs. 17,074.

(*ii*) The information is not yet available and will be supplied later to the Hon'ble Member.

(*iii*) 305."

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XLV. With reference to the answer given to my question No. X (unstarred) on the 18th December, 1917, will the Government be pleased to state— Muhammadan appointment in a Judge's Court.

(i) the reasons for the inability of the District Judge to appoint any Muhammadan on the first occasion;

(ii) what were the minimum qualifications required for the posts and how many of the Muhammadan candidates possessed at least such minimum qualifications;

(iii) whether the District Judge personally interviewed the candidates and personally satisfied himself that no qualified Muhammadan candidate was available;

(iv) in case the answer to (iii) is in the negative, who was the officer on whose report the District Judge acted?

Answer by the Hon'ble MR. KERR :—

"(i) There were 105 applicants, of whom seven were Muhammadans. Having regard to the claims of the other candidates, the District Judge did not feel justified in selecting a Muhammadan.

(ii) The Matriculation Examination. All the seven candidates had passed this examination, although not all in the First Division.

(iii) and (iv) Yes. Under section 30 of the Bengal, Agra and Assam Civil Courts Act, 1887, the power of appointing ministerial officers is vested in the District Judge, and Government have no power to interfere."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XLVI. With reference to the answer given to question No. X (unstarred) on the 18th December, 1917, will the Government be pleased to state— Muhammadan candidates for a post in a Judge's Court.

(i) the names and addresses of the six Muhammadan candidates who are said to have been sent for by the District Judge;

(ii) in what way were they communicated with;

(iii) what was the last date fixed for the candidates to appear and on what date, in each case, was the communication sent out to the candidates, respectively; and,

(iv) why was not the candidate, who was appointed on the second occasion, appointed at first?

Answer by the Hon'ble MR. KERR :—

"(i)—

(1) Muhammad Islam, 83, Baitakkhana Road, Calcutta.
(2) Moula Baksh Tarafdar, 88, Baitakkhana Road, Calcutta.
(3) Masiuddin Ahmed, 11-A, Puddopuker Street, Kidderpore.
(4) Shaik Ahmed Ali, Nawabganj, Clerk, Rifle Factory, Ishapore.
(5) Abdul Bari, 17/1, Burdwan Road, Alipore.
(6) Fazlur Rahman Mollah, 66, Kansaripara Road, Bhowanipore.

(ii) Post-cards were sent to them at the addresses given in the applications.

(iii) November 26th, 1917, was fixed for the appearance of the candidates, and the post-cards were sent out on 21st November, 1917.

(iv) Having regard to the claims of other candidates, the District Judge was unable to select him."

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Muhammadan Marriage Registrars and Kazis.

XLVII. (*a*) Will the Government be pleased to state, year by year, how many cases of—

(*i*) appointment,
(*ii*) transfer, and
(*iii*) punishment

of Muhammadan Marriage Registrars and Kazis have been disposed of without reference to the Permanent Committee, during 1912—17?

(*b*) What were the reasons for disposing of such cases without reference to the Permanent Committee?

Answer by the Hon'ble MR. KERR :—

" (*a*)—

(*i*) None.
(*ii*) 2 cases of mutual transfer in 1912, 1 in 1914 and 1 in 1917.
(*iii*) None.

(*b*) Mutual transfers which do not involve any new appointment do not require reference to the Permanent Committee."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Appointment of Muhammadan Marriage Registrars.

XLVIII. (*a*) In all cases in which the appointments of Muhammadan Marriage Registrars are made without reference to the Permanent Committee, will the Government be pleased to state, in detail, the procedure that is generally followed?

(*b*) In how many cases have such appointments been made during 1912—17 without a single Muhammadan gentleman, official or non-official, having been consulted or having taken part at any stage of the selection leading up to the final appointment?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) Neither question arises as no such appointments were made."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Removal of the Secretariat Press.

XLIX. With regard to the answer given to my question No. XV (unstarred) on the 18th December, 1917, will the Government be pleased to state whether it is proposed to remove the Press directly to the rooms now occupied by the Registrar, Co-operative Societies?

Answer by the Hon'ble MR. KERR :—

" It is proposed to hand over to the Press the rooms occupied by the Registration Department as soon as the rooms occupied by the Co-operative Department are available for the Registration Department."

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ:—

L. Is it not a fact that the proposal is that after the vacation of the rooms in the occupation of the Registrar, Co-operative Societies, the offices of the Inspector-General of Registration are to be removed there and the rooms vacated by the Inspector-General are to be handed over to the Press? Removal of the Co-operative Societies office.

Answer by the Hon'ble MR. KERR:—

"Yes."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ:—

LI. (*a*) Is it a fact that the rooms at No. 6, Dacre's Lane, were meant for locating the offices of the Inspector-General of Registration and that arrangements were made for that purpose in the shape of repairs and otherwise? Proposal of removing the offices of Inspector-General of Registration to Dacre's Lane.

(*b*) If so, why was this proposal dropped?

Answer by the Hon'ble MR. KERR:—

"(*a*) It was intended at one time to remove the Registration Department to No. 6, Dacre's Lane.

(*b*) The proposal was dropped because No. 6, Dacre's Lane, was found to be unsuitable for the accommodation of the records of the Registration Department."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ:—

LII. (*a*) Will the Government be pleased to state the distance (approximately to the fraction of a mile) between Writers' Buildings and No. 6, Dacre's Lane? Distance between Writers' Buildings and Dacre's Lane.

(*b*) How long does it take to walk from Writers' Buildings to No. 6, Dacre's Lane?

(*c*) Is it expected that the Registrar, Co-operative Societies, will walk to and from Writers' Buildings each time verbal consultation with other officers in Writers' Buildings becomes necessary?

Answer by the Hon'ble MR. KERR:—

"(*a*) About half a mile.

(*b*) About ten minutes.

(*c*) It will be at the option of the Registrar to walk or to drive between Writers' Buildings and Dacre's Lane."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ:—

LIII. Will the Government be pleased to state, in detail, the steps that have been taken to ensure— Prevention of the sale of adulte rate *ghee*.

(*i*) the prevention of the sale of adulterated *ghee*, and

(*ii*) the proper supply of pure *ghee*

in Calcutta?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" (*i*) A statement is laid on the table.

(*ii*) Government is not responsible for the proper supply of pure *ghee* in Calcutta. Since the Calcutta Municipal (Amendment) Act of 1917 was brought into force, the percentage of samples found to be adulterated has been gradually diminishing, and it is believed that the quality of the *ghee* sold in *ghee* dealers' shops has improved."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY, *to question No. LIII (unstarred) asked by the Hon'ble Maulvi* A. K. FAZL-UL-HAQ, *at the Council meeting of the 22nd January, 1918.*

I.—Number of samples of ghee taken from 13th September, 1917 to 31st December, 1917—

(*a*) From wholesale dealers ...	...	83
(*b*) From retail dealers ...	...	225
Total	...	308

II.—Number of samples found adulterated—

(*a*) Wholesale dealers' samples ...	...	18
(*b*) Retail dealers' samples ..	...	40
Total	...	58

III.—Number of prosecutions instituted under section 495 (A) (1) for selling, etc., adulterated ghee, and result thereof—

	Number instituted	Number struck off warned and discharged.	NUMBER CONVICTED AND FINED.		Pending.
			Number of cases.	Amount of fine.	
				Rs.	
(*a*) Against wholesale dealers ...	17	Nil.	5	850	12
(*b*) Against retail dealers	38	5	7	364	26
Total ...	55	5	12	1,214	38*

* Nine of these cases have since been disposed of the amount of fines inflicted being Rs. 2,181.

IV.—Prosecutions under section 495 (1) (b) for keeping adulterants in ghee godowns, etc.—

1 instituted in November 1917, and decided in January 1918, a fine of Rs. 150 being imposed.

V.—Number of prosecutions under section 507 (1) (a)—Refusal to sell samples of ghee—

11 cases instituted; 7 decided, fines amounting to Rs. 830 being inflicted. Four pending on 31st December 1917, of which one has since been decided, a fine of Rs. 225 being inflicted.

VI.—Quantity of ghee seized and condemned—461 maunds.

Questions and Answers.

VII.—Work done by Special Food Inspector from 11th November to 31st December 1917—

Number of consignments inspected	... 109	
Number of ghee tins examined ...	... 3,224	
(Mostly in wholesale and big retail shops.)		
Number of samples taken ...	103	These figures have been included in the totals given in I, II, III, IV and V above.
Number of prosecutions instituted	18	
Amount of fines inflicted ...	2,175	

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

LIV. (*a*) Will the Government be pleased to state whether there is any Committee in connection with the Calcutta Madrassa? The Calcutta Madrassa Committee.

(*b*) If so, will the Government be pleased to state—

(*i*) the names of the members;

(*ii*) the powers and functions of the Committee;

(*iii*) who appoints the members;

(*iv*) if there are any rules for the conduct of the business of the Committee;

(*v*) how many times during the years 1912—17 the Committee met, and for what purposes on each occasion?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) There is a Managing Committee for the Anglo-Persian Department.

(*b*) (*i*) The members are—

(*1*) the Principal, Calcutta Madrassa, President;

(*2*) Maulvi Md. Yusuf, Head Master, Vice-President and Secretary;

(*3*) Maulvi Nurul Alam, Assistant Master;

(*4*) Nawab A. F. M. Abdur Rahman Khan Bahadur;

(*5*) the Hon'ble Nawab Syed Nawab Ali Chowdhry; and

(*6*) Khan Bahadur Aminul Islam.

(*b*) (*ii*) (*iii*) and (*iv*) A copy of the rules for the management of Government high schools is laid on the table.

(*b*) (*v*) A committee was first appointed at the end of 1912. Since then it has met on the following occasions to discuss the matters mentioned below :—

11th March, 1913 ...	The insufficiency of the staff. The training and qualifications of members of the staff. The introduction of the Bengali vernacular in the lower classes. The renewal of school furniture.
30th October, 1913 ...	The appointment of a new teacher in the Junior Department. The appointment of an additional farash. The supervision of games by new teachers. The provision of residential quarters for the head master. The appointment of a whole-time clerk.

Questions and Answers.

22nd January, 1915	...	The increase of the staff.
		The appointment of a clerk.
1st December, 1916	...	Free and half-free studentships.
		The appointment of a clerk.
		The introduction of religious instruction.
5th May, 1917 ...	...	The extension of the service of two clerks.
		The school vernacular."

Rules referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. LIV (unstarred) asked by the Hon'ble Maulvi* A. K. FAZL-UL-HAQ, *at the Council meeting of the 22nd January 1918, for Managing Committees of Government high schools.*

THE Managing Committee of a Government high school shall be composed of the following members:—

(1) The District Magistrate (Subdivisional Officer when the school is not at a district headquarters), *President*.

(2) The Head Master/Mistress, *Vice-President and Secretary*.

(3) An elected representative of the teaching staff, other than the Head Master/Mistress.

(4) & (5) Two non-official members representative of the parents and guardians of the school pupils.

(6) (*a*) (Boys' schools)—An official other than an Educational Officer.

(*b*) (Girls' schools)—An European lady.

The Principal, Presidency College, the Principal, Sanskrit College, the Principal of the Calcutta Madrassa, the Commissioner, Dacca Division, and the Lady Principal of the Bethune College shall take the place of the District Magistrate in the committees of the Hindu and Hare Schools, Calcutta, the Sanskrit Collegiate School, the Anglo-Persian Department of the Calcutta Madrassa, the Eden High School and the Bethune Collegiate School, respectively. References in these rules to the District Magistrate should be held to apply to these officers.

2. The representatives of the parents and guardians of the pupils shall be nominated by the Head Master/Mistress, subject to the approval of the District Magistrate. These nominations will be forwarded to the District Magistrate through the Subdivisional Officer if the school is not at district headquarters. The Magistrate will appoint the other members in consultation with the Inspector/Inspectress. If the Inspector/Inspectress disagrees with the Magistrate, he/she may refer the case for decision to the Directer of Public Instruction through the Commissioner. The decision of the Director of Public Instruction shall be final.

3. The constitution of managing committees shall be published in the gazette by the Magistrate.

4. The members of a committee who are not appointed *ex-officio*, shall hold office for three years, but shall be eligible for reappointment at the end of that period. Members appointed during the 3-year period will ordinarily hold office till the end of that period.

5. The committee shall meet at least three times a year, viz., at the commencement of the session, after the summer vacation and after the puja vacation.

Questions and Answers.

6. Due notice of each meeting and of the business to be transacted shall be given by the Secretary.

7. Three members shall form a quorum.

8. The President shall have a casting vote.

9. Ordinarily no business other than that of which notice has been given shall be transacted. Should any other business be transacted, an opportunity should be given to the absent members, if any, of re-opening the subject at a subsequent meeting to be held within such period, not being less than a week, as the President may determine.

10. The Secretary shall record the proceedings of the committee in a proceedings book. The record of each meeting shall be confirmed at the subsequent meeting.

11. The committee shall be mainly an advisory body. The controlling officer of the school shall carefully consider all the recommendations of the committee and shall refer for decision to the Director through the Commissioner any matters upon which he disagrees with both the committee and the Commissioner. In particular the committee shall be consulted and its wishes respected as far as is consistent with the exigencies of the public service in all cases of the transfer of teachers.

12. The committee shall control the award of free studentships and the remission of fees on the basis of contributions from the Mohsin Fund.

13. The committee shall deal with all schemes of development, especially those involving additional expenditure, leaving to the Head Master/Mistress the conduct, in accordance with the rules of the Education Department, of the current business of the school, such as the arrangement of classes, the settlement of routine, the annual examinations, the award of class promotions, the selection of candidates for the Matriculation Examination and all minor matters relating to school discipline and teaching. The Head Master/Mistress shall bring important matters to the notice of the President, who will decide whether they should be brought before a meeting of the committee. In particular no pupil shall be rusticated or expelled except under an order of the committee. Hostel and conveyance arrangements should ordinarily be discussed by the committee.

14. The members of a committee are expected to take an active interest in the welfare of the school. Each member should visit the school at least three times a year. These visits shall be informal so as not to interfere with the working of the school. A visitors' book shall be kept in which members may record their opinions on the management of the school.

15. The annual report of the school shall be considered and approved by the committee before submission to the controlling officer of the school.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ:—

LV. (*a*) Will the Government be pleased to state how many posts of Assistant Commissioners have been created for the Calcutta Police? Assistant Commissioners of the Calcutta Police.

(*b*) How many of these are being held by Christians, Hindus and Muhammadans, respectively?

Answer by the Hon'ble MR. KERR:—

"(*a*) Six.

(*b*) Two are held by Christians (one of whom is an Indian), four by Hindus and none by Muhammadans."

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Inspectors in the Calcutta Police.

LVI. Will the Government be pleased to state what is the total number of Inspectors in the Calcutta Police and how many of these are Christians, Hindus and Muhammadans, respectively?

Answer by the Hon'ble MR. KERR :—

"There are thirty-one Inspectors in the Calcutta Police, fourteen (including one Indian) being Christians, fifteen Hindus and two Muhammadans."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Vacancies in Inspectorships of the Calcutta Police.

LVII. (*a*) Since the creation of the posts of Assistant Commissioners, how many posts of Inspectors have fallen vacant?

(*b*) Will the Government be pleased to state the names of Sub-Inspectors who have been promoted to fill the vacant Inspectorships, indicating in each case the grade from which the respective Sub-Inspectors were promoted?

Answer by the Hon'ble MR. KERR :—

"(*a*) Twelve posts of Inspectors have fallen vacant since the 25th April, 1917, when the posts of Assistant Commissioners were created.

(*b*) The following Sub-Inspectors have been promoted to fill these vacancies :—

1. A. Hearne, 1st grade Sub-Inspector.
2. Bhaba Nath Choudhury, 1st grade Sub-Inspector.
3. Dinabandhu Bhattacharji, 1st grade Sub-Inspector.
4. E. Hartley, 1st grade Sub-Inspector.
5. Mahendra Nath Sinha, 1st grade Sub-Inspector.
6. Sukumar Banerji, 1st grade Sub-Inspector.
7. Gagan Chandra Mukherji, 1st grade Sub-Inspector.
8. Abdul Ghaffar, 2nd grade Sub-Inspector.
9. Provas Chandra Roy, 2nd grade Sub-Inspector.
10. Bon Behari Mukherji, 2nd grade Sub-Inspector.
11. Nalini Nath Mazumdar, 2nd grade Sub-Inspector.

The other post was filled by A. Briggs, an outsider, who was appointed direct as Inspector for the Motor Vehicles Department."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Promotion of Sub-Inspectors in the Calcutta Police.

LVIII. (*a*) Since the creation of the posts of Assistant Commissioners, how many Head Constables and clerks have been promoted to the rank of Sub-Inspectors, and how many of these are Christians, Hindus and Muhammadans, respectively?

Questions and Answers.

(*b*) In the case of each officer thus promoted, will the Government be pleased to state—

(*i*) the name of each officer;

(*ii*) the pay and allowance he was drawing before, and the pay and allowance he has been drawing since promotion;

(*iii*) the length of service of each officer at the date of promotion; and

(*iv*) the educational qualifications of each?

Answer by the Hon'ble MR. KERR:—

"(*a*) Eight head constables and five clerks (who were previously head constables) have been promoted to the rank of Sub-Inspector during the period in question. Six of these, including five Hindus and one Muhammadan, are permanent, and seven, all Hindus, temporary.

(*b*) The information is given in the following statement:—

NAME.	Pay and Allowances. Before promotion.	After promotion.	At present.	Length of service at the date of promotion.	Educational qualification.
	Permanent promotions.				
	Rs.	Rs.	Rs.	Y. M. D.	
1. Ashutosh Haldar ...	26	125+20	140+20	13 4 13	Entrance.
2. Mahadeo Singh ...	26	125+20	140+20	19 8 10	Knowledge of English and Bengali.
3. Salamat Hossain (clerk) ...	50	125+20	140+20	8 7 15	Entrance.
4. Sadhoo Saran Missir ...	26	125+50	125+50	26 10 23	Knowledge of English and Bengali.
5. Srish Chandra Kar ...	26	125+70	125+70	9 9 28	Entrance.
6. Surendra Nath Banarji (clerk)	60	125+20	125+20	14 1 28	F. A.
	Temporary promotions.				
1. Mon Bahal Dubey ...	26	125+20	125+20	27 7 19	Knowledge of English and Bengali.
2. Atul Kristo Mondol ...	26	125+20	125+20	15 7 0	Ditto.
3. Madan Mohan Chakrabartti (clerk).	50	125+20	125+20	13 10 9	Entrance.
4. Kunja Lal Ghosh ...	26	125+20	125+20	9 10 21	Ditto.
5. Prafulla Chandra Mazumdar (clerk).	40	125+30	125+20	8 5 9	Ditto.
6. Jitendra Nath Chakrabartti (clerk).	50	125+20	125+20	11 1 11	F. A.
7. Panchanan Biswas ...	26	125+50	125+50	11 7 24	Entrance.

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Relationship of officers in the Calcutta Police.

LIX. With reference to the questions Nos. LV to LVIII, will the Government be pleased to state, in the case of each officer, whether he is in any way related to officers already in the Calcutta Police and, if so, in what way?

Answer by the Hon'ble MR. KERR :—

" None of the officers named in the preceding answers is in any way related to any other officer in the Calcutta Police."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Case of a discharged Sub-Inspector of Police.

LX. (*a*) Is it a fact that a Muhammadan Sub-Inspector has been discharged from the Calcutta Police force on the ground of *religious mania*?

(*b*) If so, will the Government be pleased to state what the *religious mania* was and in what form it existed?

Answer by the Hon'ble MR. KERR :—

" (*a*) No.

(*b*) The question does not arise."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Procedure in collecting information for answering Council Questions.

LXI. (*a*) Will the Government be pleased to state, in detail, the procedure that is followed in collecting information for answering interpellations in Council?

(*b*) In particular, is any attempt made to verify statements made by officers whose conduct is directly or indirectly called in question or who are called to defend a certain policy?

Answer by the Hon'ble MR. KERR :—

" The question does not permit of precise answer and the circumstances of interpellations in Council may vary widely. All that can be said is that before answering a Council question such means of ascertaining the facts is adopted as may seem best suited to the particular case."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Extentions of service to time-expired officers.

LXII. (*a*) Will the Government be pleased to state the names of all gazetted officers (except those belonging to the Judicial Service) who reached the age of 55 years, from April, 1912, to December, 1917?

(*b*) Which of these officers were allowed extensions of service and on what grounds?

(*c*) Which of them were granted extensions more than once, and how many times in each case and on what grounds?

Answer by the Hon'ble MR. KERR :—

" A statement giving the required information is laid on the table."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. KERR *to question No. LXII, asked by the Hon'ble* MAULVI A. K. FAZL-UL-HAQ *at the Council Meeting of the 22nd January 1918.*

No.	NAME.	Whether extension was granted or not.	For what period extension was granted.	Ground on which extension was granted.
	Officers of the Executive Branch of the Provincial Civil Service.			
1	Babu Umesh Chandra Sen	No ...	......	......
2	Mr. Atul Krishna Ray	No ...	......	......
3	" E. F. Ainslie	No ...	......	......
4	" Manmatha Nath Ghosh	Yes ...	2 years and-a-half	Interests of the public service.
5	Babu Swarnakamal Chakrabatti ...	No ...	......	......
6	" Sarat Chandra Basu	No ...	......	......
7	" Kunja Bihari Chatarji	No ...	......	......
8	Mr. F. G. E. Piffard	Yes ...	2 years ...	Interests of the public service.
9	Rai Basanta Krishna Basu Bahadur ...	Yes ...	2 " ...	Ditto.
10	Rai Krishna Kali Mukharji Bahadur ...	Yes ..	1 year ...	Ditto.
11	Babu Nibaran Chandra Ghatak ...	Yes ...	3 years ...	Ditto.
12	" Rajani Nath Basu	Yes ...	2 " ..	Ditto.
13	" Lalit Mohan Pal	No ...	......	......
14	" Rasik Lal Sen	Yes ...	3 years ...	Interests of the public service.
15	Khan Bahadur A. K. M. Abdus Sovan ...	Yes ...	2 " ...	Ditto.
16	Rai Ram Sadan Bhattacharji Bahadur ...	Yes ...	1 year and seventeen days.	Ditto.
17	Mr. Debendra Nath Mukherji	Yes ...	2 years ...	Ditto.
18	Babu Chandra Sekher Kar	No ...	......	......
19	Khan Bahadur Abdus Salem	No ...	......	......
	Officers of the Provincial Civil Service holding listed posts or special appointments.			
20	Rai Bungshidhar Banarji Bahadur ..	Yes ...	3 years ...	Interests of the public service.
21	" Ganga Charan Chatarji Bahadur ...	Yes ...	2 years and-a-half	Ditto.
	Officers of the Indian and the Provincial Police Services.			
22	Mr. F. E. Kemp	No ...	......	......
23	" G. W. Cox	No ...	......	......
24	" W. T. Moore	No ...	......	......
25	Major H. Chamney, C.M.G.	Yes ...	2 years ...	Interests of the public service.
26	Babu Girindra Chandra Mukharji ...	No ...	......	......
27	Rai Sahib Nanda Kumar Basu	No ...	......	......
28	" Ananga Mohan Mukharji ...	Yes ...	3 years ...	Interests of the public service.
29	Babu Gagan Chandra Ray	Yes ...	2 " ...	Ditto.
30	" Keshab Lal Guha	Yes ...	1 year ...	Ditto.
	Officers of the Jail Department.			
31	Mr. M. S. Emerson	No ...	......	......
32	Lieut.-Col. W. J. Buchanan, C.I.E. ...	Yes ...	From 12-11-1916 to 4-3-1918.	Interests of the public service.
	Miscellaneous Officers.			
33	Mr. J. S. W. Young-Craig, Registrar, Bengal Secretariat.	No ...	......	......
34	Rai Sahib Jogendra Nath Ray, Registrar, Bengal Secretariat.	Yes ...	1 year ...	Interests of the public service.
35	Babu Annada Charan Sen, Registrar, Bengal Secretariat.	No ...	......	......
36	Rai Sahib Gyanendra Nath Mitra, Registrar, Bengal Secretariat.	Yes ...	1 year ...	Interests of the public service.
37	Mr. L. J. D'Santos, Registrar, Bengal Secretariat.	No ...	......	......

Questions and Answers.

No.	NAME.	Whether extension was granted or not.	For what period extension was granted.	Ground on which extension was granted.
	Miscellaneous Officers—concld.			
38	Rai Rajendra Chandra Sastri Bahadur, Bengali Translator to Government.	Yes ...	3 years one month and 16 days.	Interests of the public service.
39	Mr. G. Girard, I.S.O., Collector of Income-tax, Calcutta.	Yes ...	4 years ...	Ditto.
40	Babu Prasanna Kumar Banerji, Superintendent of Excise and Salt.	Yes ...	1 year ...	Ditto.
41	Mr. J. A. E. Burrop, I.S.O., Assistant Collector of Customs, Calcutta.	Yes ...	4 years ...	Ditto.
	Officers of the Registration Department.			
42	The Hon'ble Rai Priya Nath Mukharji Bahadur, I.S.O.	Yes ...	3 years ...	Interests of the public service.
43	Rai Kripa Nath Datta Bahadur ...	Yes ...	2 " ...	Ditto.
44	Khan Sahib Abdul Walf	Yes ...	4 months and 2 days.	On personal grounds.
45	Rai Sahib Ram Jadav Maitra	Yes ...	2 years ...	Interests of the public service.
46	Babu Ananda Gopal Mukharji	Yes ...	1 year ...	Ditto.
47	" Paresh Chandra Datta	Yes ...	2 years ...	On personal grounds.
48	" Akshay Kumar Ghosh	Yes ...	2 " ...	For the interests of the public service and on personal grounds.
49	" Abinash Chandra Mitra	Yes ...	4 years 1 month and 26 days.	Interests of the public service.
50	" Pramatha Nath Ray	Yes ...	2 years ...	Ditto.
51	Rai Sahib Tara Pada Ghose	Yes ...	3 " ...	Ditto.
52	Khan Sahib Sattar Baksh	Yes ...	1 year ...	Ditto.
53	Babu Tarak Nath Biswas	Yes ...	1 " ...	Ditto.
54	Khan Bahadur Sahib Aulad Hasan ...	No ...	......	......
55	Maulvi Rasid-un-Nabi	No ...	......	......
	Officers of the Public Works and Marine Departments.			
56	Rai Bahadur Annada Prosad Sarker ...	No ...	......	......
57	Mr. B. K Finnimore	No ...	......	......
58	" D. R. G. Turnbull	Yes ...	2 years and 18 days.	Interests of the public service.
59	" H. H. Green	No ...	......	......
60	" W. M. Halloran	Yes ...	2 years ...	Interests of the public service.
61	Babu Mahendra Nath Ghose	Yes ...	1 year ...	Ditto.
62	Rao Sahib Pandit Matadin Sukul ...	No ...	......	......
63	Mr. L. F. G. Smyth	Yes ...	3 years ...	Interests of the public service.
64	" C. G. Stock	No ...	......	......
65	" G. Robertson	No ...	......	......
	Officers of the Education Department.			
66	Mr. G. W. Küchler, C.I.E.	Yes ..	4 months ...	Interests of the public service.
67	" Phani Bhushan Mukharji	No ...	......	......
68	Professor Sir Jagadish Chandra Bose, KT., C.S.I., C.I.E.	Yes ...	2 years ...	Interests of the public service.
69	Mr. H. R. James	No ...	......	......
70	Dr. Praphulla Chandra Roy, C.I.E ...	No. ...	......	......
71	Mr. B. W. Byers	Yes ...	5 years 2 months and 7 days.	Interests of the public service.
72	Rai Sahib Ishan Chandra Ghose ...	Yes ...	7 months and 1 day.	Ditto.
73	Shams-ul-Ulama Abdul Haq Haqquani ...	Yes ...	2 years 5 months and 9 days.	Ditto.
74	Shams-ul-Ulama Mafti Mohammad Abdulla Tonki	Yes ...	1 year ...	Ditto.
75	Babu Braja Ballav Dutta	No ...	......	......

Questions and Answers.

No.	NAME.	Whether extension was granted or not.	For what period extension was granted.	Ground on which extension was granted.
	Officers of the Education Department—concluded.			
76	Rai Bahadur Rasamay Mitra	Yes ...	2 years ...	Interests of the public service.
77	Shams-ul-Ulama Abdul Munim ...	Yes ...	1 year ...	Ditto.
78	Babu Raj Mohan Sen	Yes ...	4 years ...	Ditto.
79	" Chandra Bhusan Bhaduri ...	No ...	......	......
80	Babu Braja Lal Mukharji	Yes ...	1 year ...	Interests of the public service.
81	" Paresh Nath Sen	Yes ...	5 years ...	Ditto.
82	" Phani Bhusan Basu	Yes ...	2 " ...	Ditto.
83	" Bisweswar Sen	Yes ...	2 " ...	Ditto.
84	" Harendra Narayan Chakrabatti ...	No ...	......	......
85	" Rakhal Das Chakrabatti	No ...	......	......
86	" Sripati Mukharji	No ...	......	......
87	" Gopal Chandra Sarkar	Yes ...	3 years ...	Interests of the public service.
88	" Abhay Charan Das	Yes ...	1 year ...	Ditto.
89	" Haran Chandra Das Gupta ...	Yes ...	2 years ...	Ditto.
90	" Kashi Bhusan Sen	Yes ...	1 year ...	Ditto.
91	Miss Lena Sorabji	Yes ...	1 " ...	Ditto.
	Officers of the Medical Department.			
92	Dr. R. S. Ashe	Yes ...	4 years ...	Interests of the public service.
93	" V. L. Watts	Yes ...	2 " ...	Ditto.
94	Babu Nilratan Adhikari	No ...	......	......
95	" Kshirod Chandra Ray	No ...	......	......
96	Rai Dina Nath Sanyal Bahadur ...	Yes ...	3 years ...	Interests of the public service.
97	Babu Ganesh Chandra Mitra	Yes ...	2 " ...	Ditto.
98	Rai Chuni Lal Basu Bahadur	Yes ...	2 " ...	Ditto.
99	" Ananda Lal Bose Bahadur	Yes ...	2 " .	Ditto.
100	" Gopal Chandra Mukharji Bahadur ...	No ...	......	......
101	" Sahib Girish Chandra Bagchi ...	Yes ...	3 years ...	Interests of the public service.
102	Babu Gopal Chandra Mukharji ...	No ...	......	......

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

LXIII Will the Government be pleased to state the total number of Muhammadan students in— Number of Muhammadan students in Bengal.

(*i*) schools teaching up to Matriculation, and

(*ii*) colleges (Arts, Medical, Law and Technical), in the Presidency on the 31st December, 1917?

Answer by the Hon'ble MR. O'MALLEY :—

" A statement is laid on the table showing the number of Muhammadan students in colleges and high schools on 31st March, 1917. Government are not prepared to make the special enquiries which would be necessary in order to ascertain the number on the 31st December, 1917."

Questions and Answers.

Statement referred to in the answer by the Hon'ble Mr. O'Malley to question No. LXIII (unstarred) asked by the Hon'ble Maulvi A. K. Fazl-ul-Haq at the Council meeting of the 22nd January, 1918, showing total number of Muhammadan students in (1) High Schools and (2) Colleges on the 31st March, 1917.

Class of institution.	No. of Muhammadan students on 31st March, 1917.
Colleges—Arts	1,639
Medical	33
Law	207
Technical (Engineering)	14
Total ...	1,893
High Schools	45,219

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Expenditure on Muhammadan education.

LXIV. Will the Government be pleased to state the total expenditure on schemes solely in furtherance of Muhammadan education, since the outbreak of the war up to the 31st December, 1917?

Answer by the Hon'ble MR. O'MALLEY :—

"The total expenditure from 1st April, 1914, to 31st March, 1917, amounted to Rs. 11,87,294, excluding certain expenditure on *maktabs* and *Koran* schools, for which there are no separate accounts. Statistics of the expenditure from 1st April, 1914, to 4th August, 1914, and from 1st April, 1917, to 31st December, 1917, are not available."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Interest on investments by Muhammadans.

LXV. Will the Government be pleased to state the average amount of money which lapsed to Government during 1912—17 in consequence of the refusal of Muhammadan investors to take interest on loans or desposits, owing to religious scruples?

Answer by the Hon'ble MR. DONALD :—

"Government do not possess the information, and are not prepared to initiate the elaborate inquiries which would be necessary to obtain it."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Waiting-rooms for European passengers at Dacca.

LXVI. Will the Government be pleased to state the reasons which have led Government to construct first and second class waiting-rooms at Dacca railway station for European passengers only?

Answer by the Hon'ble MR. COWLEY :—

"From the information received by Government it appears that no waiting-rooms have been specially constructed for European passengers only, at the Dacca railway station. The facts are as follows:—

There are two upper (*i.e.*, 1st and 2nd) class waiting-rooms at Dacca. One of these forms part of the station building, and is reserved for first and second class passengers. The second, which is detached from the station

Questions and Answers.

building, bears a notice board inscribed 'lst and 2nd class waiting-room—Europeans only.' This was not built as a waiting-room for Europeans, but was originally an office, and was subsequently converted into a waiting-room. The Railway authorities have now decided to reserve this room as a waiting-room for all 1st and 2nd class passengers and that in the station building as a waiting-room for 1st and 2nd class lady passengers."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

LXVII. (*a*) Will the Government be pleased to state under what Act or Regulation Babu Jyotish Chandra Ghosh has been confined in jail? Case of Jyotish Chandra Ghosh.

(*b*) Was any formal charge brought against him before the orders were passed, and was he provided with a copy of the charge together with a statement of the evidence adduced against him?

(*c*) Was he given an opportunity to exculpate himself from the charge by rebutting the evidence, if any, adduced against him?

(*d*) Was the advice of a Judge or Judges taken before such orders were passed against him?

(*f*) Is it a fact that the District Magistrate of Hooghly expressed himself as satisfied with the conduct of Babu Jyotish Chandra Ghosh?

(*g*) Is it also a fact that the then District Magistrate of Hooghly testified to the innocence of Babu Jyotish Chandra Ghosh after he was arrested, and tried to convince the officer in charge of internments on this point?

Answer by the Hon'ble MR. KERR :—

"(*a*) Bengal Regulation III of 1818.

(*b*), (*c*) and (*d*) Jyotish Chandra Ghosh was examined on the charges against him and given an opportunity of explaining them; he wrote himself on the record of the examination that he did not wish to add anything to what he had said. He was not provided with a copy of the charge together with a statement of the evidence adduced against him. The case was placed before a Judge in the usual way.

(*f*) and (*g*) On learning of the arrest of Jyotish Chandra Ghosh the District Magistrate of Hooghly wrote to inquire the reasons and stated that he believed Jyotish had been straight for the past 20 months during which he had been acquainted with him. The District Magistrate was informed of the case against Jyotish Ghosh: it is not a fact that he testified to his innocence or tried to convince the officer in charge of internments on this point."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

LXVIII. (*a*) Will the Government be pleased to state the date on which the orders of confinement in jail were passed against Babu Jyotish Chandra Ghosh? Case of Jyotish Chandra Ghosh.

(*b*) Will the Government be pleased to state the places at which and the periods for which he was successively kept in confinement from the date of his arrest till the date the orders of detention or confinement were passed on him?

(*c*) What were the successive places at which and the periods for which he was kept in confinement after such orders were passed?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (*a*), (*b*) and (*c*) Jyotish Chandra Ghosh was arrested and committed to the Hooghly Jail on 3rd January, 1917. He was transferred to the Presidency Jail on the 16th January. He was transferred as a State prisoner to the Rajshahi Jail on the 3rd February; from thence he was transferred to the Berhampore Jail on the 29th April, and to the Berhampore Lunatic Asylum on the 7th August, 1917."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Case of Jyotish Chandra Ghosh.

LXIX. (*a*) Is it a fact that the health of Babu Jyotish Chandra Ghosh broke down within a few weeks after his arrest?

(*b*) If so, what were the causes of this sudden breakdown of his health?

(*c*) Is it a fact that Babu Jyotish Chandra Ghosh has been suffering from continued illness for the past few months and that his condition at one time was very critical?

(*d*) What has been the cause or causes and the nature of his continued illness?

(*e*) Is it a fact that Babu Jyotish Chandra Ghosh has developed symptoms of insanity?

(*f*) If so, will the Government be pleased to state when he first showed signs of insanity?

(*g*) Have the Government ascertained the causes of the development of such symptoms of insanity? If so, will the Government be pleased to state them?

(*h*) Will the Government be pleased to state the present condition of his health?

Answer by the Hon'ble MR. KERR :—

" (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*) and (*h*) Shortly after his transfer to Rajshahi it was reported that Jyotish Chandra Ghosh showed signs of melancholia. He was kept under careful observation; on the 2nd April he was examined by Major Peebles, I.M.S., the Superintendent of the Berhampore Lunatic Asylum, who reported that in his opinion Jyotish Ghosh was malingering, but might possibly lapse into a state of real insanity. The State prisoner was therefore moved to the Berhampore Jail, so that he might continue under the closer observation of Major Peebles. On the 17th June he was examined by a Medical Board consisting of Colonel Deare and Major Peebles; the opinion of each of these officers was that he was feigning insanity, and they recommended that he should be moved to the Asylum where his case could be more scientifically investigated. After further observation Major Peebles reported on 26th September that in his opinion Jyotish Chandra Ghosh was feigning insanity, but there was a noticeable improvement in his bodily and mental condition since his transfer to the Asylum. The last report regarding the health of the State prisoner states that he is mentally the same but his physical condition is satisfactory."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Case of Jyotish Chandra Ghosh.

LXX. (*a*) Is it a fact that the nature of the ailments of Babu Jyotish Chandra Ghosh was not disclosed to his relatives?

(*b*) If so, will the Government be pleased to state the reasons for withholding such information?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) The relatives of the State prisoner were informed of the condition of health of the State prisoner and permission was given to them to see him once a month."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

LXXI. (*a*) Is it a fact that Babu Jyotish Chandra Ghosh has been confined in a solitary cell? If so, for what period has he been so confined? Case of Jyotish Chandra Ghosh.

(*b*) Is it a fact that the mother of Babu Jyotish Chandra Ghosh has repeatedly complained of her son's detention in a solitary cell?

(*c*) Will the Government be pleased to state for what purpose and under what law he has been kept so confined?

Answer by the Hon'ble MR. KERR :—

" (*a*), (*b*) and (*c*) Jyotish Chandra Ghosh was accommodated in a separate cell in the Rajshahi Jail till the end of March, after which he shared a cell with another State prisoner."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

LXXII. (*a*) Is it a fact that the Government have informed the mother of Babu Jyotish Chandra Ghosh that a thorough and impartial inquiry by a proper authority was made into the health of her son? Case of Jyotish Chandra Ghosh.

(*b*) Will the Government be pleased to state the result of this inquiry?

(*c*) Will the Government be pleased to state who conducted the inquiry and what steps have been taken as the result of this inquiry?

Answer by the Hon'ble MR. KERR :—

" (*a*) Yes.

(*b*) and (*c*) The Hon'ble Member is referred to the answer given to question No. LXIX."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

LXXIII. (*a*) Is it a fact that the Government have sanctioned Rs. 35 as maintenance allowance for the family of Babu Jyotish Chandra Ghosh? Case of Jyotish Chandra Ghosh

(*b*) Are the Government aware that the family of Babu Jyotish Chandra Ghosh is a respectable one, that it consists of his widowed mother, widowed sister, and wife and his brother and several children, and that it was entirely dependent upon his income, which at the time of his arrest was about Rs. 125, including his salary and remuneration from private tuition?

(*c*) Are the Government considering the desirability of enhancing the maintenance allowance at present paid for the family of Babu Jyotish Chandra Ghosh?

Answer by the Hon'ble MR. KERR :—

" (*a*), (*b*) and (*c*) After inquiry by the local authorities an allowance of Rs. 35 a month was sanctioned for the maintenance of the following dependents :—Widowed mother, widowed sister, widowed sister-in-law and a niece aged 9. On the information before them Government does not propose to enhance this allowance."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Case of Jyotish Chandra Ghosh.

LXXIV. Are the Government considering the desirability of releasing Babu Jyotish Chandra Ghosh, on account of his health, or, in the alternative, of allowing him to live with his mother under proper surveillance and such conditions as the Government may think proper?

Answer by the Hon'ble MR. KERR :—

"As matters at present stand, the answer is in the negative."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Case of Nagendra Kumar Guha Ray.

LXXV. (*a*) Is it a fact that *détenu* Babu Nagendra Kumar Guha Ray was removed in May last to Kalchini in the district of Jalpaiguri from Pukurdia in the district of Noakhali, where he was domiciled in the house of his grandmother?

(*b*) Is it a fact that Kalchini is considered to be one of the most unhealthy places in Bengal and notorious for its bad climate?

(*c*) Are the Government aware that the said *détenu* is the author of several Bengali books?

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes.
(*b*) No.
(*c*) Yes."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Case of Nagendra Kumar Guha Ray.

LXXVI. (*a*) Is it a fact that the hut provided for Babu Nagendra Kumar Guha at Kalchini is so low that a person has to bend down his head while entering it and that it has no window?

(*b*) Is it also a fact that the plinth of the hut is only half a cubit high, and that it is situated on marshy land?

(*c*) Is it also a fact that the *détenu* is not furnished with a bedstead but has to lie on a bamboo *machan*?

(*d*) Is it a fact that there is no latrine attached to the hut?

Answer by the Hon'ble MR. KERR :—

"(*a*), (*b*), (*c*) and (*d*) Nagendra Kumar Guha Ray is accommodated in a hut which had been previously used by another *détenu* without any complaints and is similar to those provided for other *détenus* in the district. The plinth is 18 inches high, as during the rains the surrounding land is sometimes flooded. The *détenu* complained that the bamboo posts at the door were low, necessitating bending the head on entrance, and that there were no windows; he was told that there is no objection to his making a window if he desires one. There is no latrine, as these are not usual in that part of the country. A bamboo *machan* has been furnished to him, as to the other *détenus* in the district."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

LXXVII. (*a*) Is it a fact that Babu Nagendra Kumar Guha Ray submitted a petition in July last to the Additional Secretary, Political Department, in which he asked that he might be informed of the reason of his removal and the information and report, if any, upon which the order of transfer was based, and further prayed that he might be given an opportunity to explain, and to disprove the allegations which were made against him? Case of Nagendra Kumar Guha Ray.

(*b*) What were the orders passed on the said petition?

(*c*) Is it a fact that the said *détenu* submitted a memorial, dated the 25th December, 1916, to the Additional Secretary, Political Department, through the Superintendent of Police, Noakhali, in which he complained that he had not been given any idea as to the allegations or charges made against him and that no explanation was asked for from him in any form whatsoever?

(*d*) Was any charge formulated against the said *détenu* after the aforementioned memorial was submitted?

(*e*) If so, was he given any opportunity to meet and answer the same?

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes.

(*b*) A reply to the *détenu's* petition was sent to him on the 6th August; no definite reference was made in the reply to the portion of the petition referred to as the transfer was not made in consequence of any fresh report or allegations.

(*c*), (*d*) and (*e*) The *détenu* submitted a memorial, dated the 25th December, 1916, in which he asked to be produced before a Judicial officer on the ground that, except for his examination by an Assistant Superintendent of Police, he had had no opportunity of disproving the charges. It was ascertained that all the charges were communicated to him by the Police officer, and the recorded statement of the *détenu* shows that he was in fact aware of the charges. No further charges, therefore, were put to him."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

LXXVIII. (*a*) Is it a fact that Babu Nagendra Kumar Guha Ray complained in a petition that his allowance of Rs. 20 was insufficient, but his prayer for increment has been refused? Case of Nagendra Kumar Guha Ray.

(*b*) Are the Government aware that living is very dear in Kalchini?

(*c*) Is it a fact that his prayer that he may be allowed to subscribe to the daily and weekly newspapers has been refused by the Superintendent of Police?

(*d*) Is it a fact that he complained about this matter also in his petition of July last to the Additional Secretary, but that he has not yet been given permission to subscribe to any daily or weekly newspaper?

Answer by the Hon'ble MR. KERR :—

(*a*) The *détenu* complained in his petition of 16th July that the allowance of Rs. 20 was insufficient; in reply he was informed that any representation which he had to make about the increase of allowance should be made to the Deputy Commissioner of Jalpaiguri.

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(*b*) Government are informed that Kalchini is not a specially expensive place.

(*c*) and (*d*) An order to this effect was given by the District authorities; they have since been informed that ordinarily there is no objection to a *détenu* receiving newspapers, subject to the usual censorship as in the case of correspondence."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Case of Nagendra Kumar Guha Ray.

LXXIX. (*a*) Is it a fact that shortly before the internment of Babu Nagendra Kumar Guha Ray, Mr. W. S. Adie, District Magistrate of Noakhali, gave him a certificate to the effect that—

(*i*) his character was very good;

(*ii*) he had been a very useful member of society, and

(*iii*) he had been doing many works of public utility?

(*b*) Is it also a fact that the Divisional Commissioner, Mr. K. C. De, certified that he was convinced—

(*i*) that the *détenu* was not an anarchist, and

(*ii*) that he was not inimically disposed towards the British Government?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) Yes, but from the information in the possession of Government they were not satisfied that these testimonials had been given on a correct appreciation of the whole facts."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Case of Nagendra Kumar Guha Ray.

LXXX. Are the Government considering the desirability of releasing Babu Nagendra Kumar Guha Ray on a proper security being furnished for his good behaviour, or of re-transferring him to Pukurdia?

Answer by the Hon'ble MR. KERR :—

" The answer is in the negative."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Inspection of certain Union Committees.

LXXXI. Will the Government be pleased to lay on the table a statement showing when Union Committees in the Burdwan and Presidency Divisions were last inspected by the Deputy Sanitary Commissioner of the Division or the Civil Surgeon?

Answer by the Hon'ble MR. O'MALLEY :—

" The dates of the last inspections are as follows :—

Deputy Sanitary Commissioner, Burdwan Circle ..	14-9-17
Deputy Sanitary Commissioner, Presidency Circle ...	21-3-17
Civil Surgeon, Birbhum	28-12-17
Civil Surgeon, Khulna	13-1-18
Civil Surgeon, Bankura	11-1-18
Civil Surgeon, Midnapore	15-3-17
Civil Surgeon, Jessore	3-12-17 "

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LEGISLATIVE BUSINESS.

THE BENGAL TENANCY (AMENDMENT) BILL, 1917.

LIST OF BUSINESS—ITEM No. 3.

The Hon'ble MR. CUMMING moved that the Bengal Tenancy (Amendment) Bill, 1917, as amended by the Council on the 18th December, 1917, be taken into consideration.

He said :—

"Sir, the motion which stands in my name is a purely formal one; but it is required in view of the circumstances under which the discussion of the Bengal Tenancy (Amendment) Bill was postponed at the last meeting of the Council. I desire formally to move that the Bengal Tenancy (Amendment) Bill, 1917, as amended by the Council of the 18th December, 1917, be taken into consideration."

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble Babu Brajendra Kishor Ray Chaudhuri, with the leave of the President, withdrew the following motion which stood in his name, and which was by way of amendment to the Hon'ble Mr. Cumming's motion :—

That the Bengal Tenancy (Amendment) Bill. 1917, as amended by the Council on the 18th December 1917, be recommitted to the Select Committee for further consideration.

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY moved by way of amendment to the Hon'ble Mr. Cumming's motion that the Bengal Tenancy (Amendment) Bill, 1917, as amended by the Council on the 18th December, 1917, be recommitted to the Select Committee, with instructions to make such additions and alterations in sections 49H and 49J as will safeguard the interests of the landholder as well as of the tenant, without making any unnecessary encroachments on the vested rights of either of them.

He said :—

"Sir, it is neither in a spirit of opposition to the Bill nor with any intention of casting a reflection on the members of the Select Committee that I have moved this motion. In fact I was the first man in the Council who welcomed the measure when it was first introduced here and no one is more grateful to the Select Committee than I for the honourable compromise that it effected in the Bill between the extreme Civil Service views and the honour of the Bengal zamindars. But, as a member of this Council. I have certain duties to perform, and what I consider to be the chief amongst them, is this, that, to the best of my ability, I should faithfully interpret the public to the Government as well as the Government to the public. The Bill in question undoubtedly proposes serious interferences with the rights enjoyed by the landlords as well as by their aboriginal tenants, and naturally there is a strong feeling against the Bill amongst the interested people. But the very noble and humane motive that the legislature has in view, namely, of saving the thriftless but simple aboriginals from falling an easy and helpless prey to ill-intentioned neighbours, usurious money-lenders and unscrupulous zamindars, has also made it imperative that some of the rights so long enjoyed by the zamindars and by the aboriginals themselves should be curtailed to a certain extent, and so, whenever this curtailment of their rights has been found necessary, I have given my whole-hearted support and tried my best, by my utterances in this Council and elsewhere, to allay the antagonistic feeling that I found to exist against this measure. But, again, there are certainly some provisions in this Bill which really make unnecessary encroachments on

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our rights and regarding which there exists a bitter feeling of opposition which I can hardly ignore and so shall be failing in my duty as a councillor if I do not bring this fact to the notice of my brother councillors who are assembled here to-day to advise the Government on the subject of the Bill. I here beg to refer to sections 49H and 49J of the Bill. From the very day that the Bill was introduced in the Council strong objections have been taken to them by different speakers; they were severely criticised, both by officials and non-officials, when the Bill was circulated for opinions and when it was in the Select Committee, there was presumably a great tussle over these sections, inasmuch as they were practically recast, and even then neither to the satisfaction of the official nor of the non-official members of the Committee as will be seen from the amendments to these sections subsequently moved by the Hon'ble Mr. Cumming and also from the attitude of the non-official members of the Committee when divisions were taken in this Council on the private amendments to these sections. Again, when the Bill was taken into consideration on the 18th December last, of the total number of 15 sections and 37 amendments no fewer than 16 amendments referred to the two sections 49H and 49J, and of the total of eight divisions taken, six were taken on the amendments on these two sections. This description of the situation created by these two sections speaks for itself. Sections 49H and 49J deal with highly technical subjects; it will be taxing the patience of the non-zamindar members too much if I were to go into details to show the unnecessary character of the many encroachments made on our rights by these two sections. But in order to convince my esteemed colleagues let me take one instance from each of the two sections. Section 49H empowers the Collector to eject a dishonest transferee from a holding and to settle the same with the transferor or his heir but fixes no time-limit within which the settlement is to be effected nor makes any provision for making good the loss to be suffered by the landlord during the period the land is unoccupied. It is to be borne in mind that the landlord is not in the least responsible for the fraudulent transfer of the land. Now is it right or fair to make the landlord suffer for no fault of his own? I will now show that this interference with a zamindar's right of enjoyment of the full value of his property is not at all necessitated by the objects that the legislature has in view in introducing this Bill. I have already alluded to these objects. For this purpose alienation of lands by an aboriginal without the Collector's approval has been prohibited. In spite of this if an aboriginal sells his land fraudulently, the Collector is empowered to eject the transferee. This provision is undoubtedly necessary to scare away dishonest purchasers, but the subsequent provision that the land is to be restored to the transferor takes away all the frightfulness from the former provision because as registration of transfer deeds without the Collector's sanction is prohibited, these transfers will be generally verbal affairs and the deed will not be a deed of transfer but that of a simple loan for which the person of the aboriginal will be liable and which the *de facto* purchaser will keep as security with which to threaten him, should he refuse to allow the purchaser to enjoy the land after it has been restored. The net result of this peculiar provision will be that it will considerably lessen the price of the land on account of the risk involved and will in addition mean pecuniary loss to the innocent landlord for the period intervening between the ejectment and the subsequent restoration. The best method to attain the desired end would have been to hand over the land to the landlord immediately after the ejectment, with a proviso that the same should be settled with an aboriginal, or failing an aboriginal, with the Collector's approval, with other people. In this way the fraudulent transfers would be effectively stopped as the landlord being interested in the matter would also help the Collector to detect such transfers. Now let me take up section 49J and give an instance of unnecessary interference with our rights sanctioned by it. There is a provision in this section which interferes with the

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liberty of action of the zamindar in the matter of resettlement of a holding abandoned or surrendered by an aboriginal and makes it incumbent on the zamindar to obtain the Collector's approval before exercising his rights; in defence of this encroachment on our rights it has been said by the member in charge of the Bill, on a previous occasion, that unless this is done the aboriginals through collusive or forced abandonments would be left at the mercy of unscrupulous zamindars. But I ask again, is it right or fair to punish all zamindars for the crime of a few? I will now show that this interference with our rights is absolutely unnecessary for the purpose which we have in view and not only that I will further show that this provision by its implied insinuation casts a most unwarranted reflection on the character of the Bengal zamindars.

In the first place the aboriginal could be easily saved from unscrupulous zamindars by empowering the Collector, in the event of a collusive surrender, to enter upon the land and settle it in any way he deems proper; and also by attaching a heavy penalty to the settlement of such a holding by the landlord. This procedure would at once put a check on an unscrupulous zamindar from adopting unfair means to dispossess his aboriginal tenants and at the same time would not interfere with the time-honoured privilege of a zamindar of unimpeachable character of exercising his rights freely in respect of really abandoned holdings. Let me tell the Council that a very great bitterness is felt by respectable zamindars by this attempt to take away this privilege from them and forcing them along with dishonest zamindars to dance attendance at the Collectorate with its unscrupulous *amlas* whenever there would be an occasion to settle an abandoned holding.

The bitterness that is felt by us will be better understood if I here give an analogy: The lowest police officer is empowered, by the Criminal Procedure Code, to enter into the house of the highest in the land and search his innermost apartments, if the said officer has reason to believe that stolen articles are kept there. But we do not grudge him his extraordinary power because we know that so long as we are not receivers of stolen articles, our home is our castle and the police can never enter it. But in order to prevent the possibility of any stolen article being conveyed to our house, if the law of the land provided to station constables at our door with instructions to search every man or woman or every box or bundle that went into our house, I ask the soberest gentleman present here if he would put up with this insult to his honour for a single moment without feeling bitter at the monstrosity of the legislation. Sir, encroaching upon one's rights even for a good cause is an unpleasant task in itself, and it can be easily imagined how difficult and dangerous the situation becomes when one is called upon to give up rights for which not the least justification can be vouchsafed. Sir, we are now passing through troubled times and already there is too much bitterness in the country to combat with. Why then add another bitterness to that already existing when the objects of the present Bill can be secured equally well by the use of a little tact and judgment? I have already indicated the lines on which we can work, but I am sure that if the ten heads of the members of the Select Committee are put together it will be quite an easy affair for it to devise means which will serve our purpose without unnecessarily interfering with vested rights and thus creating a feeling of bitterness where no such thing exists at present. I, therefore, appeal, to the Council to recommit these two offending sections to the Select Committee with instructions to make necessary additions and alterations in them. I also appeal to the member in charge. with all the earnestness that I command, to accept my motion. I am not asking for anything unreasonable. There can be no harm if these two sections are referred back to the Select Committee. On the other hand, it will reassure the public that the matter has been considered in all its aspects before being enacted into a law of the land.

Sir, I am not a trained lawyer who could put his arguments with legal deftness, nor am I a gifted orator who could move the Council with his choice

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rhetoric, and to add to my difficulties, the subject-matter of my motion is highly technical. I know not what chances of success I stand if my motion is opposed by the Government. I, therefore, once more appeal to the member in charge of the Bill for a sympathetic reconsideration of the whole matter."

The Hon'ble MR. CUMMING said :—

"Sir, I cannot congratulate the Hon'ble Member on the attitude which he has thought fit to adopt in connection with this legislation. I gather from his amendment that his view is that sufficient safeguards have not been given to protect the vested interests of the landlords and tenants; but from his speech it is a fair inference that it was directed almost entirely to the interests of landlords; and I am the more surprised, because, at the present moment, one would have imagined that a representative of the landlords' interests in this Council would not be anxious to emphasize that there was a cleavage of interests between them and the tenantry of this Province. Indeed, the Bengal Landholders' Association adopted a very different attitude by submitting a minimum of adverse comment on this Bill. When the Bill was introduced, they said that the Bill initiated a principle which was recognized as early as 1793, and they approved generally of the provisions of the Bill. The only provision of the Bill to which they took exception at that time has since been altered in the course of the proceedings of the Select Committee. The legislation is, I maintain, Sir, beneficent legislation; and at this stage I am not prepared to accede to any change or to any further delay which may have the effect either of minimizing the good results of the legislation or of making the execution of its provisions impracticable. I may say at once to the Hon'ble Member, with reference to this amendment, that he cannot possibly expect that the Select Committee will reconsider questions of principle that have already been decided by the Council as a whole.

At the risk of burdening the Council, I should like to recapitulate as shortly as I can, first, the facts regarding the initiation of this legislation, and secondly, the action taken since its introduction. First of all, regarding the initiation of this legislation, the condition of the Santhals and similar aboriginal tribes on the borderland of the Santhal Parganas has been a matter of grave consideration for no less than 45 years. Their grievances were examined by the Magistrate of Birbhum in 1872; and the discontent of that period led to the passing of the Magna Charta of the Santhal Parganas,—Regulation III of 1872 for the Santhal Parganas. There was a special inquiry in 1883 by a Deputy Collector, who, by his personal influence, was able to bring about a temporary adjustment; and again in 1908, the present Director of Land Records, Mr. McAlpin, made a detailed inquiry from Birbhum down to Balasore. He made certain recommendations, which, for certain reasons, did not crystallize in legislation till 1914. In that year, a draft Bill was circulated throughout the Province, and in 1916, a revised draft Bill was submitted to the Government of India; in the spring of last year, the Government of India assented to the proposed legislation, and the result is the Bill before the Council. I do not think, Sir, that the Government have been over hasty in initiating this legislation, or that it can be said that the terms of the Bill have not been prepared very carefully.

The next point under this head which I should like to mention is in order to correct a misapprehension on the Hon'ble Member's part. The Bill is not directed against landlords as such; for I see that all through his speech the Hon'ble Member seems to indicate this. The purpose of the Bill is primarily to prevent the transfer of lands to money-lenders and to maintain the communal system of the aboriginal tribes as far as possible. Of course, if the Hon'ble Member is not prepared to accept this principle, then we are poles apart. But I think that the Council, as a whole, accepted the principle that it is desirable to maintain the communal system as far as possible. The evils were very patent, as Mr. McAlpin's inquiry revealed; and it was shown that it was the money-lender and not the landlord, except in a very few cases,

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who was to blame. In fact it was shown that the Santhals under existing circumstances were losing their lands and becoming simply serfs, and that 50 per cent. of the Civil Court decrees were *ex parte*. Indeed, the landlords of the areas in question rather prefer Santhal tenants, and the Santhals themselves have an innate feeling of loyalty to hereditary landlords. The root idea of the Bill is the prohibition of the alienation of land. As I have previously explained in this Council, this is not a new idea; it has been adopted in the Santhal Parganas Regulation, in the Chota Nagpur Tenancy Bill, in the Central Provinces Tenancy Act and in the Punjab Alienation of Land Act. The Santhals in the west of Bengal know their own weaknesses of thriftlessness and intemperance. They are aware that in the neighbouring districts their tribes have received protection, and they asked to be protected against themselves. I may say under this head that all the opinions of persons, whether official or non-official, who have a personal knowledge of the tract, is overwhelming in favour of such prohibition of alienation.

As to the second head,—what we have done since the Bill was introduced,—let me recapitulate shortly the facts. It should be remembered in passing that the Select Committee submitted an unanimous report. One of the main changes was that the castes and tribes of aboriginals to which the Act may be applied have now been specified. The original draft Bill was indefinite on this point. Then again in the case of settlement by landlords of lands from which transferees have been ejected, it is not now necessary to have in all cases the approval of the Collector. The landlord is allowed to make settlement of such land provided that he settle it himself with an aboriginal. Similarly, in the case of surrender and abandonment, to which so much attention was drawn in the course of the debate, it is not now necessary in all cases that the landlord should have the approval of the Collector for resettlement. The power of interference by the Collector has been removed in cases in which the landlord settles the land with an aboriginal. Next, provision for the transfer of a decree to the Collector was omitted, and the execution of decrees has been left to the Civil Courts."

The Hon'ble KUMAR SHIB SHIKHARESWAR RAY said :—

"Is the Hon'ble Member in order in referring to these matters?"

The PRESIDENT said :—

"I think that the Hon'ble Member in charge is quite in order."

The Hon'ble MR. CUMMING, continuing, said :—

"I have been recapitulating the facts. The provision for the transfer of a decree has been omitted, and the execution of decrees is now left to the Civil Court; and, further, the prohibition against suits to set aside the order of the Collector has been modified to this extent that suits on the ground of fraud and want of jurisdiction are now permitted. Finally, in the case of surrender of abandonment, the Collector may only withhold his assent to a settlement made by a landlord when he is satisfied that the surrender or abandonment is collusive. These are, I submit to the Council, no small changes and indicate that a reasonable attempt has been made to meet the various objections that were raised during the circulation of the Bill. For these two main reasons that the Bill is the result of long consideration, and that all reasonable objections have been met, I desire to resist this amendment of referring the Bill again to a Select Committee. There is, however, a further reason which I may mention at this stage, and that is a new one since we last met. In December last, I said that I was not prepared to say that it was imperatively urgent that the legislation should be passed at that meeting, but I do say now that there should be no further delay in the passing of the Bill. In the Bankura district the stage will shortly be reached at which the preliminary record-of-rights will be prepared, and I maintain that

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it is desirable that the Santhals of that area should have the benefit of this legislation before that stage is reached.

In conclusion, Sir, with reference to this amendment. I should like to quote some remarks of a general character. They are applicable to the case not only of the Santhals but also of the other aboriginals whose cases have been mentioned in the schedule. The remarks are those of one who was once in charge of this Province. The question is whether it is wise for a civilized Government to counteract the unfortunate effects of the inroad of civilization. On this point, Sir William Duke once said that he was fully convinced of the necessity of protecting aboriginal and semi-aboriginal tribes against unrestricted alienation of their holdings. He said that he knew that many, who freely admitted the incapacity of such people to maintain themselves against others who were more sophisticated and instructed in legal processes, insisted that it was the inevitable result of the march of progress that such backward races should go down, and that if they continued to exist at all they should do so as hewers of wood and drawers of water. Sir William Duke has recorded that this view was unjust and cruel and founded on arbitrary ideas of what constituted progress. He said that the communal system of most aboriginal tribes did not regard land as a saleable commodity and that this system was not founded upon the Contract Act. We have, he said, forced upon them a civil polity which was not their own; and it was unfair to say that if it ruined them it was their own lookout.

Sir, I wish to identify myself with these remarks made by one whose opinion should carry weight in this Council. I desire to oppose this amendment."

The Hon'ble the MAHARAJADHIRAJA BAHADUR of Burdwan said :—

"Sir, I am sorry to have to oppose Kumar Shib Shekhareswar in his moving this amendment. He has paid in opening his speech a compliment, which he thinks to be a compliment, to the members of the Select Committee for their work in connection with amending the Bill. When one looks at the agenda paper and finds the number of amendments proposed by the Kumar himself one really wonders what are the objectionable features in these two sections for which he wants this Bill to be recommitted to the Select Committee, for I find that he has got one solitary amendment for clause 49H. Then, again, he has said in his opening remarks that the members of the Select Committee—by this he undoubtedly means the non-official members of the Select Committee—came to an honourable compromise regarding this Bill. If according to him they came to an honourable compromise, I do not see what good those members in the Select Committee are going to do by the recommittal of this Bill to them. But, if he does not really mean that, he probably means a censure on the work of the Select Committee, which. of course, as a member of that body I am not prepared to take lying down. Then again, if one looks at the original intention of this Bill one finds that it really arose not only from what the Director of Land Records, Mr. McAlpin, reported, but also what the Commissioner of my division reported regarding the Santhalis in the districts, particularly of Birbhum, Bankura and Midnapore. I have not been able to ascertain as yet the number of my Santhali tenants in Bankura as my Superintendent has been away, nor am I certain of the Midnapore Santhalis in my estate, but in Birbhum district I have a big mahal where there is a large number of Santhalis and my khas mahal Dewan, to whom I wrote, writes as follows: 'It appears from the tahsil records of lat Hukumapur (Birbhum) that in 1318 B.S., 1,820 bighas of land were in the occupation of these aboriginal tribes. In 1823, B.S., 2,110 bighas of land are in their occupation. Thus the land in their occupation is increasing. It appears from the register of mutation of names that within the last ten years only 8 bighas of land have been transferred and that from one Santhal to another of the same tribe by sale. From the khas entry register it appears that about 30 bighas of land have during the last 10 years been purchased khas by the execution of rent

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decrees'. From this, Sir, it will appear that at least there are some zamindars who do not grudge the Santhali having lands in his own khas mahal zamindari. In fact I know of zamindars in these parts who welcome them as being good tenants. I, therefore, think that for those zamindars at least the defence that the Kumar has made does not apply, because they can defend themselves and their good understanding between themselves and their aboriginal tenants. Regarding the other tracts I am not, of course, in a position to say anything, but I am not only sorry but in fact unhappy in the way the Hon'ble Kumar has tried to defend the rights of zamindars in his fighting speech, according to his light. I cannot help thinking that at the present moment more than at any other time it is essential for the zamindars not only to show that spirit of friendliness and co-operation towards their tenants, but it is also, I think, not fair to the other zamindars to try and make out that the zamindars in their desire to protect their rights—and I am more zealous about protecting their rights than anybody else, for I have a right to be—are trying—which unfortunately is the impression that has been created in my mind at any rate by the Kumar's attitude—to wrest from the hands of the Government those rights and privileges, in such a way as would be misconstrued or would give the impression that the zamindars are anxious more to safeguard their rights than to extend protection to their own tenants. That would indeed be a most unfortunate impression to be created in the Council, especially at a time when the zamindars are on their trial. For these reasons I am sorry I am unable to accept the amendment moved by the Hon'ble Kumar."

The Hon'ble MAULVI ABUL KASEM said :—

"Sir, I rise to oppose the amendment moved by the Hon'ble Kumar and I associate myself with the remarks that fell from the Hon'ble Maharajadhiraja Bahadur of Burdwan. We have waited too long for legislation on this question and the zamindar's interests were represented on the Select Committee by the foremost zamindar in the land. And I cannot myself conceive what rights or vested interests of the zamindars have been violated by this Bill. The Bill is intended primarily to protect the Santhals and other aboriginals against themselves. The Bill was not drafted at the instance of an official but because the people themselves wanted it, and in protecting the Santhalis and other aboriginals from themselves some restrictions had to be put on the rights of the zamindars because otherwise the intentions of the Bill will be frustrated because the zamindars would sometimes interfere and make the provisions of the Bill absolutely useless. The Bill, moreover, has been before the public for a long time and every zamindari association in the Province and those interested had an opportunity of submitting their opinions to Government and to this Council and all these opinions were considered. I believe that at the last meeting of the Council the Bill was not passed on a technical ground, but, as stated by the Hon'ble Mr. Cumming, the time has come when this Bill should become the law of the land. With these few words I oppose the amendment."

The Hon'ble MR. BOMPAS said :—

"Sir, sitting on this Council as a nominated official I owe Government a silent vote and I think I owe it nothing more. If I take part in the debate I am free to express my own feelings. My principal feeling at the sight of this amendment is one of dismay, and I devoutly hope that this Council will not sanction this extremely novel procedure of starting the discussion of a Bill all over again after it has reached the very last stage. This Bill has been through the ordinary course of legislation in this Council. There was an opportunity of discussing the principles of the Bill when it was committed to the Select Committee and it was dealt with by the Select Committee. The Select Committee presented an unanimous report and a day was devoted to the discussion of amendments. The Hon'ble Kumar had a

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full opportunity then of asking this Council to amend the Bill in any form that he desired. Then at the last moment when it was on the verge of being passed into law, by availing himself of a rule which has not been brought into use before I believe an Hon'ble Member is enabled to start the proceedings *de novo*. To-day we have a number of fresh amendments on the agenda and I understand that there is nothing in the rules to prevent this operation being repeated *ad infinitum*. If this is to happen on the discussion of a small Bill of 12 clauses I tremble to think what will happen when legislation of real importance and magnitude is under consideration. Speaking for myself I should very much dread the results if this Council gave its sanction to this innovation. Although the Hon'ble Member has not given us any very clear indication of the precise amendment which he desires to be carried and although his motion is that the Select Committee is to make such additions and alterations in sections 49H and 49J as will safeguard the interest of the landholder as well as of the tenant, without making any unnecessary encroachments on the vested rights of either of them, the Hon'ble Mr. Cumming has said that the speech dealt only with the rights of zamindars. And on this I may say that if any member had any fear that this is a piece of grandmotherly legislation to protect the Santhalis against themselves and against their wishes I may mention one fact which I think will throw a light on that. As has been mentioned there was special legislation in force in the Santhal Parganas on the lines of this Bill to protect the interest of the aborigines. When I was Deputy Commissioner of that district there was in my office a petition sent in by a large number of villagers in the adjoining district of Birbhum. I think there were about 40 Santhals who joined together and sent in that petition direct. They hoped that they might be given the benefit of the legislation which protects the rights of aboriginals and which was in force in the Santhal Parganas. They said in that petition—give us that law and we will undertake all the corresponding duties as they do in the Santhal Parganas. They have to maintain their village roads free of cost and they are liable to certain other forms of public works. These Santhalis earnestly petitioned that they might be allowed the burden on their shoulders in order that they might receive the protection as early as possible of this kind of legislation. I do not think, however, that we need worry about the encroachment on the vested interests of the raiyats.

There is one other point to which I may refer. I think the Hon'ble Kumar is entirely mistaken in treating this Bill as if it were an attack on unscrupulous landlords. There is no question of anything of that nature. As long as the law permits an aboriginal the right of transfer to one of another race there is no reason whatever why the landlord should take any interest in the matter or interfere, but if a law is introduced which forbids such transfers there is no reason to suppose that the landlords or the agents of landlords will take any active interest in interfering with a law which does not benefit or interest them in any way. It will, therefore, be idle to trust to action on the part of a man who has no possible interest in enforcing the law and we are not dealing with unscrupulous landlords. Any one who knows the administration of zamindaries, knows that in the great majority of zamindaries these matters have to be entrusted to Nawabs and tahsil officers. We have not a set of resident landlords devoting themselves to the detailed management of their estates. There is no question of anything in the nature of an attack on unscrupulous landlords. As has already been said this is a question of protecting the raiyat against himself and not against his landlord."

The HON'BLE KUMAR SHIB SHEKHARESWAR RAY said :—

Sir, I am not surprised at the attitude taken up by the Hon'ble the Maharajadhiraja Bahadur—he has to keep up the family tradition. With regard to my Hon'ble friend Maulvi Abul Kasem's remarks, I am quite at one with him when he says that we should give up certain of our rights but only

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those that are necessary. Why should the Government in the name of protecting Santhal tenants unnecessarily encroach upon our rights. Let them encroach upon those rights which are necessary, in that I agree with him, but I do not understand why he opposed my motion. With reference to the remarks of the Hon'ble Maharajadhiraja Bahadur of Burdwan that I have got only one motion in regard to clause 49H I may say that in fact I sent notice of five motions and I do not know why they were thought out of order and were rejected, so there is now only one motion against my name on the agenda paper.

With regard to the Hon'ble Mr. Cumming's reply to my observations, he does not say anything about which I have not already dealt with in my previous speeches, but there are two things which I should like to refer to now. He has spoken of the opinion expressed by the Bengal Landholders' Association. We should not try to hoodwink the Council, we all know that when the opinion was asked for, Mr. B. Chakravarti, the life and soul of the Association, was busy with Home Rule affairs, and he probably could not give time to the consideration of this question. Otherwise the opinion would have been on the lines of that of other Zamindari Associations.

(Cries of "Order, order.")

With reference to the legal aspect of the question whether it can be referred back to the Select Committee, that is a legal matter and it is for the Advocate-General to decide. Besides this there is nothing further to add to what I have already said in this Council. I prayed for justice and fairness and it is my keen disappointment to realize that I prayed in vain. However, I have one consolation in that the official reply has hopelessly failed to prove that I stand not on firm grounds of fairness and justice, and this fact sends a ray of hope to my disappointed soul and thus encouraged I stand before the Council for its verdict on my humble, and I think not unreasonable, prayer.

A division was taken with the following result :—

Ayes—3.

The Hon'ble Kumar Shib Shekhareswar Ray.
" " Maulvi A. K. Fazl-ul Haq.
" " Babu Bhabendra Chandra Ray.

Noes—36.

The Hon'ble Mr. J. G. Cumming, C.S.I., C.I.E.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Mr. J. H. Kerr, C.S.I., C.I.E.
Mr. J. Donald, C.I.E.
Mr. L. S. S. O'Malley.
Mr. F. A. A. Cowley.
Lt.-Col. W. J. Buchanan, C.I.E., I.M.S.
Mr. C. H. Bompas.
Mr. W. C. Wordsworth.
C. F. Payne.
E. B. H. Panton.
Rai Priya Nath Mukerji Bahadur, I.S.O.
Dr. Nilratan Sarkar,
Mr. J. Mackenzie.
Mr. W. H. H. Arden-Wood, C.I.E.
Mr. Aminur Rahman.
Raja Hrishikesh Laha, C.I.E.
Mr. R. Glen.
Rev. Dr. G. Howells.
Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
Dr. Deba Prasad Sarbadhikari, C.I.E.
Rai Debender Chunder Ghose Bahadur.
Mr. F. W. Carter, C.I.E.
Sir A. Birkmyre, KT.
Mr. E. B. Eden.
Mr. H. R. A. Irwin.
Dr. Abdulla-al-Mamum Suhrawardy.
Maulvi Abul Kasem.
Khan Sahib Aman Ali.
Mr. Altaf Ali.
Babu Akhil Chandra Datta.
Rai Mahendra Chandra Mitra Bahadur.
Babu Surendra Nath Ray.
Babu Mahendra Nath Ray, C.I.E.
Mr. K. B. Dutt.
Babu Ambika Charan Mazumdar.

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The following members abstained from voting :—

The Hon'ble Babu Brajendra Kishor Ray Chaudhuri.
" " Babu Kishori Mohan Chaudhuri.

The following members were absent :—

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. T. C. P. Gibbons, K.C.
" " The Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. Provash Chunder Mitter.
" " Mr. Arun Chandra Singha.
" " Rai Radha Charan Pal Bahadur.
" " Mr. E. A. Martin.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Rai Sri Nath Ray Bahadur.

The Ayes being 3 and Noes 36, the motion was lost.

The Hon'ble Mr. Cumming's original motion (item No. 3 in the List of Business) was then put and agreed to.

AMENDMENT No. I.

The Hon'ble MR. CUMMING moved that for the figures "1917", in clause 1, the figures "1918" be substituted.

He said :—

"Sir, we now proceed to the consideration of the various amendments tabled for to-day's meeting. Personally I desire to express an apology to Hon'ble Members of the Council for the fact that in connection with this Bill they should have to give another day's consideration to what is after all a minor piece of legislation. The first motion which stands in my name has become necessary in view of the delay which has occurred in the passing of this Bill."

The motion was put and agreed to.

AMENDMENT No. II.

Hon'ble MAULVI A. K. FAZL-UL HAQ moved that the words and brackets "Maghs (Bakarganj district)" in line 12 of sub-section (*2*) of section 49A be omitted.

He said :—

"Sir, I regret I have to be guilty of the offence of taking advantage of this occasion to move this amendment with reference to clause 49A on which so many amendments had been proposed on the last occasion. I confess that these words did not seem to me of such importance personally speaking, but I have received several letters from several influential people of my district of Bakarganj who have suggested to me that these words should be omitted, and they have given very weighty reasons for saying so. I may mention that these Maghs are really Burmese settlers who have come over to the Sunderbans portion of the Bakarganj district and have settled down there as ordinary cultivators. As far as I am aware there is hardly anything to distinguish these people from the ordinary Bengali peasants and I do not see how, except by doing violence to the language itself, these people can at all be considered to be of a class which is ordinarily meant by the term aborigines. I admit that it is very difficult to define the word 'aborigines' and I think that it is for this reason that the Hon'ble Member in charge of the Bill has preferred not to attempt any definition, but to leave the term to be defined by a description. And considering the matter even from that point of view, I do not think that there are sufficient reasons why these Maghs

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should be included in the term and given the benefit of this legislation. So far as they are concerned, their interests can be sufficiently safeguarded when the Bengal Tenancy Act comes to be amended as a larger measure, and for the present, therefore, I do not see any reason why this legislation should be extended to them. I would not have moved this amendment had it not been for the fact that so far as I am aware these Maghs are not exactly in the same helpless condition in which Santhals and other aborigines admittedly are in certain parts of Bengal. The Maghs are very shrewd cultivators; in some cases they are much shrewder, more business-like and more careful of their interests than the Muhammadan cultivators who live in that part of the district. Unless, therefore, there are strong reasons why these Maghs should be taken out of the ordinary category of Bengali cultivators, I submit that no case had been made out for including these people in this special piece of legislation. I think, Sir, that unless such a case is made out, it is very undesirable that legislation of this character should be made too comprehensive. As a matter of fact, this legislation should be extended to include only the cases of those who would otherwise be helpless and powerless to protect themselves. I would deprecate any policy which would make this Bill something like what we have read of the old man in the sea in the Arabian Nights who once got up on a man's shoulder and then on the neck and head and in a minute he was all over the body. And this Bill commencing with certain aborigines is now extending its hands all over Bengal and even into the peaceful district of Bakarganj. And if this process is allowed to go on, I do not know how far it will go. I submit, therefore, that so far as the Maghs are concerned, they should be left to themselves to be dealt with when the Bengal Tenancy Act is to be amended later on. If, however, any special case can be made out against them I shall certainly be the last person to oppose their inclusion in the term. But as at present advised, and in view of all the communications I have received from my district, there is a strong feeling that the provisions of this Bill should not be extended to these people. With these few words I commend my amendment to the acceptance of the Council."

The Hon'ble MR CUMMING said :—

"Sir, the Hon'ble Member desires that Maghs should be excluded from this schedule, on the ground that they are practically ordinary Bengali cultivators. It is true, he says, that he took no exception to the inclusion on a previous occasion, but in view of certain representations that have been made to him, he now desires their exclusion. The reason for their inclusion in the schedule, which, I may remark in passing, is only a description of aboriginals, is that the Collector of Bakarganj described them in the following terms: He said that, as a race, they are improvident, that unlike the Bengalis they live together in a communal system, and that it is only by legislation of the kind proposed in this Bill that it is possible to save the Maghs from the results of their own thriftlessness. If this be the fact, Sir, I say that there is very little difference, if any, between them and other aboriginals to protect whom we desire to pass this legislation. It is true that Maghs have come over from the Burma border and have settled in Bakarganj, but they are still looked upon as semi-aboriginal. In the colonization area in Bakarganj district, a separate tract has been set aside for them for the double purpose of protecting them and of keeping them apart from the influence of the surrounding people in that district. I frankly admit that their case is not so strong as that of some other aboriginals, but still I think that their case is sufficiently strong to justify inclusion in the schedule. It is to be noted that under sub-clause (2) of clause 49A, no action is to be taken until Government have notified that the provisions of this Act will apply to one or other of the tribes mentioned in the schedule. I do not think that at the present moment the Hon'ble Member has sufficient justification for asking for their exclusion from the schedule."

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Babu Bhabendra Chandra Ray.

The motion was put and lost.

AMENDMENT No. III.

The Hon'ble BABU BHABENDRA CHANDRA RAY moved that the following be inserted after sub-section (2) of section 49A, namely :—

"(2a) No notification under sub-section (2) shall come into operation in any district or local area until six months after the publication of such notification."

"(2b) Any landlord affected by any such notification may, within six months of its publication, object thereto before the Collector on the following grounds, namely :—

(i) that the education and material condition of the aboriginal castes or tribes specified in the notification are not of a lower standard than the education and material condition of the general body of non-aboriginal peasants inhabiting the said district or local area or neighbouring areas ; or

(ii) that a large proportion of the aboriginal castes or tribes specified in the notification is of a nomadic character."

"(2c) If an objection is preferred by any landlord on any of the grounds mentioned in sub-section (2b), the Collector shall hold an inquiry thereinto in the presence of such landlord or his duly authorized agent, and shall give his decision with regard thereto in writing."

"(2d) An appeal shall lie to the Commissioner from any such decision of the Collector; and every order by the Commissioner on appeal shall be subject to revision and modification by the Local Government."

He said :—

"Sir, at the last meeting of the Council when I objected to the passing of the Bill into law, I was charged by the Hon'ble Mr. Cumming with having taken an 'unfair advantage' of a particular rule of business. I did not know that in raising the objection under rule 47, I could lay myself open to such a charge. If to avail ourselves of such little rights as we possess under duly promulgated legislative rules be unfair in the official eye, I wonder how to characterize gratuitous attempts to supplement the rules of business with so-called notes which lay down maxims like copy-books telling us what is right or wrong for members to do.

Sir, I do not mind the personal nature of the attack which the Hon'ble Member in charge thought fit to launch against me at the last meeting.

I am, moreover, prepared to concede a monopoly of fairness to the Hon'ble Member in charge if ...."

The Hon'ble MR. DONALD said :—

"Is the Hon'ble Member in order ?"

The PRESIDENT said :—

"No, he is not in order."

The Hon'ble BABU BHABENDRA CHANDRA RAY continuing said :—

"Sir, the Bill immediately takes effect in the case of the Santhals of the districts of Birbhum, Bankura and Midnapore who number 3 lakhs 32 thousand odd. But in its potential scope, this measure affects three lakhs more of Santhals in other districts, besides over 9 lakhs of people represented by the 18 aboriginal classes mentioned in section 49A, sub-section (2). Thus the potential scope of the Bill is about four times its immediate scope, so far as numbers go. I am prefectly aware that it is not the intention of the authorities to extend the provisions of the Bill to these classes all at once, or without any inquiry into the circumstances of each particular case. From all that we have heard and read about this matter, it appears to me that the authorities

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have for a few years been looking out for some such protective legislation for the Santhals, and that the idea of making it embrace other aboriginal classes is an after-thought. We know that some regular inquiry was made with regard to the Santhals, particularly of these districts, but no such investigation was ever undertaken in the other cases. Mr. McAlpin, the author of the Bill, has no doubt favoured us with an expression of his views after the Bill was referred to the Select Committee, in course of which he enumerates these classes of aboriginals as deserving to be brought within the prospective scope of the Bill. With due deference to the Director of Land Records, it must be said that we have a right to expect a thorough inquiry in the first instance, and an explanation from the Select Committee justifying the insertion of those names.

Sir, to put the matter briefly, we have to depend mainly on the testimony of Mr. McAlpin as to the necessity of investing Government with the power of extending this measure of doubtful wisdom to about 12 lakhs of people. And in giving a blank cheque to the executive with regard to 12 lakhs of aboriginals, what safeguards are we providing against any indiscriminate and unwise exercise of this extraordinary power? I propose in this amendment that the landlord should be given a chance of showing that in any particular case the circumstances do not justify the extension of the provisions of this Bill. Sir, I think I am right in saying that the intention of the legislature is to afford protection to the aboriginal against himself, not because he is an aboriginal, but because he is most backward and thriftless. And before any protection is extended to him, it should be made clear that he is actually worse off than the generality of the peasants of the non-aboriginal classes of the neighbourhood who cannot in any circumstances be brought under the operation of any such legislation. Sir, this represents the minimum that is due to the landlord in consideration of the great sacrifice he is being called upon to make in the name of humanity. And I hope the Hon'ble Mr. Cumming will see his way to accept this amendment on behalf of Government."

The Hon'ble MR. CUMMING said :—

"Sir, the principle of previous publication has been adopted, as most Hon'ble Members are aware, in section 190 of the Bengal Tenancy Act. It is also used in connection with many other Acts, but I think that the case of the present Bill is somewhat different. It was urged by the Eastern Bengal Landholders' Association when submitting their opinion; and undoubtedly that view had weight when there was no distinct definition of aboriginals in the Bill as then drafted, but as Government have now declared explicitly who in their view will be considered aboriginals and when a full description has been provided in this schedule, the argument, it seems to me, has nearly lost all its force. Indeed, the inclusion of any particular tribe in this schedule is a warning that it is possible in the future that Government may deal with that tribe in the way in which it is proposed to deal with the Santhals. There is, moreover, an objection of form. The Hon'ble Member has drafted the amendment with the intention of making a prior inquiry obligatory, but there is no provision for giving effect to the decision of the Collector or Commissioner as the case may be. Then again there is an objection in principle, because in a matter of this kind, I do not think it is correct that Government should delegate their powers to their officers; the decision should remain with themselves. The Select Committee had some discussion on the point, but it was not considered necessary, in view of the form in which the schedule has been prepared, that there should be a prior publication. For these reasons, Sir, I suggest that the amendment of the Hon'ble Member should not be accepted by the Council."

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The motion being put, a division was taken with the following result :—

Ayes—10.

The Hon'ble Kumar Shib Shekhareswar Ray.
Babu Brojendra Kishor Ray Chaudhuri.
Dr. Deba Prasad Sarbadhikari, C.I.E.
Rai Debender Chunder Ghose Bahadur.
Babu Bhabendra Chandra Ray.
,, Akhil Chandra Datta.
Rai Mahendra Chandra Mitra Bahadur.
Mr. K. B. Dutt.
Babu Kishori Mohan Chaudhuri
,, Ambika Charan Mazumdar.

Noes—26.

The Hon'ble Mr. J. G. Cumming, C.S.I., C.I.E.
,, C. J. Stevenson-Moore, C.V.O.
,, J. H. Kerr, C.S.I., C.I.E.
,, J. Donald, C.I.E.
,, L. S. S. O'Malley.
,, F A. A. Cowley.
Lt.-Col. W. J. Buchanan, C.I.E., I.M.S.
Mr. C. H. Bompas.
,, W. C. Wordsworth.
,, C. F. Payne.
,, E. B H. Panton.
Rai Priya Nath Mukharji Bahadur, I.S.O.
Dr. Nilratan Sarkar.
Mr. J. Mackenzie.
,, W. H. H. Arden-Wood, C.I.E.
,, Aminur Rahaman.
Raja Hrishikesh Laha, C.I.E.
Mr. R. Glen.
Rev. Dr. Howells.
Mr. F. W. Carter, C.I.E.
Sir A. Birkmyre, KT.
Mr. E. B. Eden.
,, H. R A. Irwin.
Dr. Abdulla-al-Mamun Suhrawardy.
Maulvi Abul Kasem.
Khan Sahib Aman Ali.

The following members abstained from voting :—

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
,, ,, Mr. Altaf Ali.
,, ,, Babu Surendra Nath Ray.
,, ,, ,, Mahendra Nath Ray, C.I.E.

The following members were absent :—

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
,, ,, Mr. T. C. P. Gibbons, K.C.
,, ,, the Nawab Bahadur of Murshidabad.
,, ,, Sir Rajendra Nath Mookerjee, K.C.I.E.
,, ,, Mr. Provash Chander Mitter.
,, ,, ,, Arun Chandra Singha.
,, ,, Rai Radha Charan Pal Bahadur.
,, ,, Mr. E. A. Martin.
,, ,, ,, M. Ashraf Ali Khan Chaudhuri.
,, ,, Maulvi A. K. Fazl-ul Haq.
,, ,, Rai Sri Nath Ray Bahadur.

The *ayes* being 10 and the *noes* 26, the motion was lost.

AMENDMENT No. IV.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI moved that the following be added at the end of section 49A, namely :—

"(5) The provisions of this Chapter shall not apply to Jhum cultivators."

He said :—

"Sir, in this connection I beg to state that certain sections of the aboriginal classes in the Eastern districts are known as Jhum cultivators. They are described by the Sub-Deputy Collector of Mymensingh thus : 'They generally clear the jungle, cultivate the virgin soil for two or three years and then shift to other jungles.' Speaking from my personal knowledge I can

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say that they do not generally pay any rent to the landlords for the first few years, and as soon as rent is about to be assessed on their fields, they move away to other quarters. In these circumstances, Sir, I submit that it will not be wise or fair either to lay down that once a Jhum horde have touched upon a land and left it for fresh field according to their wont, the landlord must have nothing more to do with it, than to wait for the arrival of another batch of wandering tenants. Again, as regards the interests of the Jhumias themselves, the Sub-Deputy Collector of Mymensingh rightly observes that : 'the Bill, as it stands, would do more harm than good to the Garo cultivators by making it difficult for them to make a profit by transferring their holdings to the more settled cultivators.' According to the present legislation the Jhumias, after they have cleared the jungles, must wait—nobody knows how long—for aboriginal purchasers to turn up, or they must desert their fields without gaining any return for their labour. I, therefore, urge that the Jhum cultivators should not be brought within the scope of the Bill."

The Hon'ble MR. CUMMING said :—

" I quite appreciate the remarks of the Hon'ble Member ; but it is obvious that if a Garo has no settled holding of any kind he would, under no circumstances, come under the provisions of this Bill ; while, on the other hand, if he has a settled holding, I ask the Hon'ble Member—why should the Bill not apply? Apparently, he bases his argument upon the opinion of the Sub-Deputy Collector of Mymensingh, who said that it would do harm to the Garos if they were subjected to such legislation. That opinion, however, is not supported by the Sub-Deputy Collector's superiors whom I have consulted. I recommend, therefore, that the amendment be not accepted."

The motion was put and lost.

AMENDMENT No. V.

The Hon'ble BABU BRAJENDRA KISHOR RAY CHAUDHURI moved that the following be added at the end of section 49A., namely :—

"(5) the provisions of the Chapter shall not apply to such raiyats and under-raiyats as have not been in continuous possession of their holdings for at least three years previous to the publication of a notification under sub-section (2)".

He said :—

" Sir, the main purpose of the Bill, as stated by Mr. Beatson Bell was to secure the aboriginals against loosing their 'ancestral lands.' The clear intention of the Bill is, therefore, to protect those who are enjoying lands for a long period. I have fixed the period for three years as the maximum only to bring out the latent intention of the authorities."

The Hon'ble MR. CUMMING said :—

" I understand the Hon'ble Member wishes to help the Government by causing the latent views underlying this section to be clearly expressed ; but I think he has overlooked one very salient fact, and that is that by an introduction of a provision of this nature the administration of the Act would be rendered more difficult. It would be always possible to plead want of jurisdiction under section 49N and raise a question as to whether any particular holding had or had not been in possession of the particular raiyat for the term of three years. Besides, I suggest one possibility to the Hon'ble Member. The term is three years previous to the notification which it is proposed to issue. Suppose for example a notification was issued in the year 1920 and a case came up for decision in the year 1927 or 1930. According to the terms of this clause, the aboriginal will have to prove possession not simply for 3 years but for 10 or 13 years, and so the evil would increase. I do not base

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my chief objection on this which is a minor point. My main objection is that this proposal will only lead to difficulties. I say that this is a case of beneficent legislation, and I object to any further amendments which may be introduced to the impediment of the objects which the Bill has in view."

The motion was put and lost.

AMENDMENT No. VI.

The Hon'ble BABU BRAJENDRA KISHOR RAY CHAUDHURI, with the leave of the President, withdrew the following motion which stood in his name:—

If amendment No. V be not carried, the Hon'ble Babu Brajendra Kishor Ray Chaudhuri to move that the following be added at the end of section 49A, namely:—

"(5) the provisions of this Chapter shall not apply to such raiyats and under-raiyats as have not been in continuous possession of their holdings for at least three years from the date of settlement of such holdings."

AMENDMENT No. VII.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY moved that the words "who is a settled raiyat of the village within which such land is situated" be inserted after the word "aboriginal", in line 9 of clause (*b*) of sub-section (*2*) of section 49H.

He said:—

"Sir, this is the sole survivor of about half a dozen amendments that I sent to the Secretary and I do not know what fate awaits it in the Council. Clause 49H gives unlimited power to the Collector to settle the land with any person he likes and on any terms he deems proper. I do not think it will be improper for a zamindar to object to an undesirable tenant, a stranger forced upon him about whom there will be no guarantee whether he will be able to pay rent regularly. That is why I move that the tenant may be a settled raiyat of the village. In this case, at least there will be this much guarantee that the person is known to the zamindar and is not a total stranger and moreover he has also a stake in the village and also I think some sort of preferential claim. Therefore, I hope, the Hon'ble Member in charge of the Bill will find his way to accept this amendment."

The Hon'ble MR. CUMMING said:—

"Sir, at the risk of being tedious, may I shortly inform the Council what the procedure really is? The Hon'ble Member has attacked a portion of that procedure which is at the very fag end of it. If a holding is transferred in contravention of the terms of this Bill, the Collector may eject the transferee and may restore the land to an aboriginal holder, and, failing such person, he may declare that the right of settlement is vested in the landlord. The landlord has then one year in which to make a settlement, and it is not till after this period that the provision to which the Hon'ble Member takes objection comes in. According to the terms of the section, the Collector may settle the land on behalf of the landlord on such terms as he thinks fit; and if he is unable to make such settlement, he will then give up the right of settlement, and an unrestricted right of settlement will then vest in the landlord. I, therefore, put it to the Council that the Collector will only take action after the landlord has had one year to get a tenant to his liking. What then is the object of adding any further complication regarding the discretion of the Collector which is to be exercised after the landlord has failed? The obligation of choosing a settled raiyat will only have the effect of creating a dispute; and it is such disputes and such complications which I wish

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to avoid. Moreover, the very terms of the amendment seem to me to be irrelevant, in that the important thing is not whether the tenant is a settled raiyat or not, but whether he is an aboriginal. Therefore, I would ask the Council to reject this amendment on the main ground that the Collector's discretion need not be restricted, especially when the landlord who is most interested has had one whole year during which he can select a tenant to his own liking."

The motion being put, a division was taken with the following result :—

Ayes—3.

The Hon'ble Kumar Shib Shekhareswar Ray.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Babu Kishori Mohan Chaudhuri.

Noes—33.

The Hon'ble Mr. J. G. Cumming, C.S.I., C.I.E.
" " " C. J. Stevenson-Moore, C.V.O.
" " " J. H. Kerr, C.S.I., C.I.E.
" " " J. Donald, C.I.E.
" " " L. S. S. O'Malley.
" " " F. A. A. Cowley.
" " Lt.-Colonel, W. J. Buchanan, C.I.E., I.M.S.
" " Mr. C. H. Bompas.
" " " W. C. Wordsworth.
" " " C. F. Payne.
" " " E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Dr. Nilratan Sarkar.
" " Mr. J. Mackenzie.
" " " W. H. H. Arden-Wood, C.I.E.
" " " Aminur Rahman.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. R. Glen.
" " Rev. Dr. G Howells.
" " Mr. F. W Carter, C.I.E.
" " Sir A Birkmyre, KT.
" " Mr. E. B. Eden.
" " " H. R. A. Irwin.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Khan Sahib Aman Ali.
" " Mr. Altaf Ali.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " " Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.
" " Babu Ambika Charan Mazumdar.

The following members abstained from voting :—

The Hon'ble the Maharajadhiraja Bahadur of Burdwan.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Babu Bhabendra Chandra Ray.

The following members were absent :—

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. T C. P. Gibbons, K.C.
" " the Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. Provash Chunder Mitter.
" " " Arun Chandra Singha.
" " Rai Radha Charan Pal Bahadur.
" " Mr. E. A. Martin.
" " " M. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul Haq.
" " Rai Sri Nath Ray Bahadur.

The *ayes* being 3 and the *noes* 33, the motion was accordingly lost.

The Bengal Tenancy (Amendment) Bill, 1917.

Babu Brojendra Kishor Ray Chaudhuri; Mr. Cumming.

The Bengal (Aliens) Disqualification Bill, 1918.

Mr. O'Malley.

AMENDMENT No. VIII.

The Hon'ble Babu Brojendra Kishor Ray Chaudhuri, with the leave of the President, withdrew following motion which stood in his name :—

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI to move that after section 49-O the following be added, namely :—

"49P. Nothing in this Chapter shall affect the right of a landlord to receive any customary fee from a transferee of land according to the rate prevailing for the time being in the locality where such land is situated, and no transfer shall be valid without the payment of such fee."

Payment of customary fee to landlord.

LIST OF BUSINESS—ITEM No. 8.

The Hon'ble MR. CUMMING moved that the Bengal Tenancy (Amendment) Bill, 1917, as amended by the Council on the 18th December, 1917, and as settled by the Council on the 22nd January, 1918, be passed.

He said :—

"I have already made remarks of a general nature regarding the character of this legislation ; and it would be trespassing on the forbearance of the Council if I were to make any further remarks at this stage. I can only repeat that this beneficent legislation is in the interests of the persons for whom it is being enacted and at their own request. It is not an attack upon landlords ; such restraints as have been put upon the action of landlords are such as landlords who themselves hold lands in the Santhal country are agreeable to accept. I think, therefore, that the Council need have no misgivings that legislation of this nature, whether as regards Santhals or as regards aboriginals of the description mentioned in the schedule to whom the Act may hereafter be applied, will do any harm ; nay, on the contrary, it will do a great deal of good."

The motion was put and agreed to.

THE BENGAL (ALIENS) DISQUALIFICATION BILL, 1918.

LIST OF BUSINESS—ITEMS Nos. 9 and 10.

The Hon'ble MR. O'MALLEY moved for leave to introduce a Bill to disqualify certain persons from voting at elections of, or being elected or nominated as members of, or holding office in, local bodies in Bengal.

He said :—

"Sir, I beg to move for leave to introduce a Bill disqualifying certain persons from voting at elections of, or being elected or nominated as members of, or holding office in, local bodies in Bengal.

The Bill is brief and self-contained, and it requires but little explanation. Under the Municipal and Local Self-Government Acts in force in Bengal there is at present nothing to prevent aliens either from voting at elections for local bodies, such as District Boards, Local Boards, Union Committees and Municipal Boards, or from sitting as members of these bodies, or from holding responsible executive office under them. It is considered undesirable that aliens should have these privileges, and I believe measures have already been taken elsewhere to disqualify them. In Bengal three Acts are affected, viz., the Bengal Municipal Act, the Calcutta Municipal Act and the Bengal Local Self-Government Act ; and instead of amending these Acts it has been thought preferable to take the simpler course of having a direct and self-contained measure.

The Bengal (Aliens) Disqualification Bill, 1918.

Mr. O'Malley.

The Serampore College Bill, 1918.

Mr. O'Malley.

The Bill provides for the disqualification of every person who is not a British subject or a subject of any State in India ; the latter expression does not include the subjects of foreign European States in India. Aliens are not to be eligible to vote at elections for local bodies and are to be debarred from obtaining seats by means of election. As membership can be obtained not only by election but also by nomination, the latter method of admission to membership is also blocked by the Bill. As the responsible offices of Chairman, Deputy Chairman and Vice-Chairman need not always be held by members of the Boards, they have also been brought within the scope of the Bill ; and it is provided that as soon as the Act comes into force aliens are to be deprived of their membership or of their offices if they happen to be members or to hold any of these offices at the time.

The general provisions of the Bill, which apply to all aliens, are subject to the important proviso at the end of the Bill which allows the Government of Bengal, with the approval of the Government of India, to make an exception in the case of any aliens or class of aliens. The reason for this proviso is that it is considered that the Armenians should not be deprived of the privileges which they at present possess. As long ago as 1688 an undertaking was given in a Charter granted to an Armenian merchant, Logee Phanoos Calander, by the Governor and Company of Merchants of London trading to the East Indies, that 'the Armenian nation shall be capable of all civil offices and preferments in the same manner as if they were Englishmen born.' This undertaking has hitherto been observed and it is intended to observe it. It is true that a considerable number of the Armenians, resident in Bengal, were born in British India, and are, consequently, British subjects, and the question of disfranchisement would not therefore arise in their case. It would, however, arise in the case of those who were born outside British India, unless they are excluded from the scope of the Bill. We feel that if they were deprived of their existing rights Government would lay itself open to a charge of breach of faith with a community of people who have proved themselves loyal and useful citizens, and some of whom have played a leading part in municipal life. It is therefore intended that all Armenians should continue to enjoy their existing civic rights ; and the Government of India have already given an assurance that they are prepared to exclude Armenians from the restrictions which the Bill imposes.

With these words I move for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Mr. O'Malley moved that the said Bill be referred to a Select Committee consisting of the Hon'ble Sir S. P. Sinha, the Hon'ble Mr. Payne, the Hon'ble Mr. Panton, the Hon'ble Mr. Mackenzie, the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy, the Hon'ble Rai Mahendra Chandra Mitra Bahadur, the Hon'ble Babu Surendra Nath Ray and the mover, with instructions to circulate their report in time for its consideration at the February meeting of the Council.

The motion was put and agreed to.

THE SERAMPORE COLLEGE BILL, 1918.

LIST OF BUSINESS—ITEM NO. 11.

The Hon'ble MR. O'MALLEY moved for leave to introduce a Bill to supplement, and in certain matters to supersede, the Royal Charter of Incorporation and the Statutes and Regulations of the Serampore College.

The Serampore College Bill, 1918.

Mr. O'Malley.

He said :—

"Sir, If the Hon'ble Members will refer to the schedules of the Bill they will see that the Charter dates back to 1827 and the Statutes and Regulations to 1833. I trust that the Members of the Council will bear with me if I give a brief historical resumé in order to explain the circumstances which have led up to this Bill.

The Serampore College was founded a century ago by the little band of Baptist Missionaries known as the Serampore Missionaries. Serampore was then Danish territory and was known officially as Fridericksnagore. The College was incorporated in 1827 by a Royal Charter granted by the King of Denmark, which gave it the powers of a University for conferring degrees. If Hon'ble Members will refer to the translation of the Charter—the original is in Danish,—which is printed as Schedule I of the Bill, they will see that the object of the College was to 'promote piety and learning particularly among the Indian Christian population of India.' It authorized the College to confer degrees on the students that testify their proficiency in Science, and it provided for the making and establishment of Statutes and Regulations. The Statutes and Regulations, of which a copy is printed as Schedule II of the Bill, were drawn up in 1833. They laid down, in accordance with the terms of the Charter, that the Council of the College was to consist of a Master or President and at least two, but not more than four, members. They also laid down that,—'learning and piety being peculiar to no denomination of Christians',—one of the members might belong to any denomination other than that of the Baptists.

In 1846 Serampore was transferred to the British by a treaty of purchase which recognized the Charter, for it provided that the rights and immunities which it granted to the College should not be interfered with but continue in force in the same way as if they had been obtained by a Charter from the British Government subject to the general law of India. I must pass briefly over the vicissitudes of the College during the next half century. In 1856 it was placed by the Council at the disposal of the Baptist Missionary Society for use in its educational work, both secular and theological, and next year it was affiliated to the newly found University of Calcutta.

In 1900 a movement was set on foot for the reorganization of the College on the lines laid down by its original founders. The objects contemplated were to provide facilities for theological study in conjunction with a liberal course of general education ; to secure that the scientific study of Christian theology and biblical literature after a sound preliminary course in literature, philosophy and science should receive academic recognition similar to that accorded in Western countries ; and to utilize the College Charter for the granting of theological degrees to students of all churches. In course of time it became evident that the denominational limitations that the original founders inserted, would prove a serious obstacle to the realization of these ideals. Eventually the College Council came to the conclusion that powers should be obtained by legislation to enlarge its membership so as to allow inter-denominational co-operation in the government of the College and moved Government to undertake legislation.

The Bill I have the honour to introduce has been drafted in order to give effect to the wishes of the College authorities. Briefly, they desire to confer degrees in theology upon the students of the College under the powers granted by the Royal Danish Charter, and they are anxious to place the constitution on a wider inter-denominational foundation. The Bill consequently provides for an alteration in the constitution, the Council being enlarged to a maximum of fifteen members in addition to the Master, while one-third only of the members must belong to the Baptist denomination. There is to be a faculty which shall be responsible to the Council for the internal management of the College and a strictly inter-denominational Senate, which will frame the courses of studies and control the examinations.

The Serampore College Bill, 1918.

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Babu Kishori Mohan Chaudhuri.

As regards the power to confer degrees, the College authorities are empowered by the Charter to grant degrees to the students who are proficient in science; and according to the ordinary meaning of the word they are in a position to grant degrees in non-theological subjects. I understand that they intend to grant only theological degrees, but it has been thought advisable to subject their power of conferring degrees in other subjects to safeguards similar to those prescribed by the Universities Act. Accordingly it is provided in clause 13, that if at any time the Council of the College shall intend to grant non-theological degrees, such degrees shall be confined to students of the College, and that before it grants such degrees it shall satisfy the Government as to the adequacy of the establishment and the equipment of the College, the academic standard to be maintained and the financial provision made therefor.

I should explain that Government feel that the undertaking given in 1845 to maintain the rights and immunities of the College implied at least a moral obligation on the part of Government not to amend the Charter in this way without the consent of the College authorities. They were accordingly consulted about this provision, and it has been inserted in the Bill with their consent. I should further explain the use in clause 13 of the words 'Government as defined in section 2(*b*) of the Indian Universities Act, 1904, in relation to the Calcutta University.' That section says 'the expression "the Government" means in relation to the University of Calcutta the Governor-General in Council.' The Government of India will, therefore, have to be satisfied under the Universities Act as it now stands. It may, however, be in the recollection of Hon'ble Members that in the Convocation speech which His Excellency the Viceroy delivered last year he foreshadowed the possibility of a transfer of the control of the Calcutta University from the Government of India to the Bengal Government. He remarked :—

'It has been frequently urged that the time has come for the Government of Bengal to take the place of the Government of India and the Governor to take the place of the Viceroy in the constitution of the University. Since I assumed office I have been very conscious of the grave inconvenience of the distance which separates the University from its Chancellor and the Government of India. It is impossible for us to have that close and intimate knowledge of your affairs which only residence on the spot can give. But I do not think that the moment when we are setting up this Commission, whose recommendations we shall have to consider, is the moment for such a change. As soon as the Commission has reported and action has been taken on its report, that will be the moment when the Governor and the Government of Bengal may well take over charge.'

The words to which I have referred have, therefore, been used in the Bill so that if at any time hereafter the control of the Calcutta University is transferred to the Bengal Government and section 2(*b*) of the Indian Universities Act is amended to legalize the change, there will be no necessity to amend clause 13 and the functions assigned to Government in the matter of non-theological degrees will *ipso facto* devolve on the Government of Bengal."

The motion was put and agreed to.

RESOLUTIONS.

(*Under the rules for the discussion of matters of general public interest*).

LIST OF BUSINESS—ITEM NO. 12.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following resolution :—

"This Council recommends to the Governor in Council that the last batch of students of the Belgachia Medical School admitted in the year 1913, and

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Babu Kishori Mohan Chaudhuri.

those who failed for the first time in one or two subjects in the Faculty Examination held in November, 1916, be granted an opportunity to appear at the Licentiate Examination of the State Medical Faculty of Bengal as has been previously allowed in the case of other students".

He said :—

"Sir, the question was submitted to Government and it was discussed in the public press and I have had an opportunity of seeing the Government views in reply to a representation made in the columns of the *Bengalee*. When the State Faculty Examination was arranged for there was a notification that the provisional examination would be held for two years up to May 1916 and thereafter no examination for private students would be held. At the time this was done the case of the students who were admitted in 1913 for a four years' course was not considered. At the time it was open to the school authorities to dismiss and close those classes or to warn the students about it but nothing was done. Apparently there was an impression in the minds of the students as also the school authorities that when their case arises in 1917 it will be favourably considered and they continued with their studies under that impression. But subsequently when they submitted a petition for an examination to be held in 1917 it was not considered in their favour.

Sir, I need not, I think, make any very lengthy speech. The case of these students for whom I plead is sufficiently strong by itself to appeal to the good sense of Hon'ble Members.

I confess my utter inability to make out why it is that the Government have so long been persistent in their refusal to give these students an opportunity for registering themselves. I need not, I think, dwell at length upon the disadvantages of non-registration which, I am perfectly sure, every Hon'ble Member present here is well aware of. I might only say that the disadvantages are many and I really do not see why these poor students should suffer from any such disadvantages while equally qualified candidates were given the opportunity of qualifying themselves for registration.

I may briefly state the history of the unfortunate position so as to make it clear to this Council that the Government are labouring under an entirely wrong impression throughout on the question 'who is at fault?' And this wrong impression I have no doubt is at the root of the whole situation. The Bengal Medical Act was passed in the year 1914 by this Council. About the time when the Bengal Medical Act was passed negotiations were going on between the Government and the Belgachia Medical College authorities for converting that College into a first grade University College, as a result of which admission into the old college and school departments was stopped for the first time in 1914. But the existing classes started in 1912 and 1913 were not discontinued, which at least shows that everyone in the College, I mean the College authorities and the students, were under the impression that the already admitted students would be given opportunities of qualifying themselves for registration under the Act of 1914. And this view obtains support from a letter of Dr. R. G. Kar, the Secretary of the College, to the Secretary to the Government of Bengal. I need only refer to a part of the letter which is as follows :—

'(2) These students were given to understand that they will be allowed to pass out as their predecessors and the school was debarred from admitting any new students under agreement with the Government of Bengal with effect from June, 1914.'

(Letter dated the 2nd October, 1916.)

Thus it is that these students are not to blame. The recent Government reply to the representation of the Indian Association which says that these students are themselves to blame thus proceeds upon a wrong hypothesis. In

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the course of the reply (published in the *Bengalee*, dated the 23rd December, 1917) the Government remark: 'The hardships from which the students referred to are alleged to be suffering are the result of the failure of these students to adapt themselves to conditions which were set out very clearly and in ample time to allow them to follow a course of study qualifying them to appear at the examinations of State Medical Faculty under its ordinary rules.' But may I ask, Sir, how could these students, after a year's course in the school, adapt themselves to the conditions set out except by the discontinuation of further studies in that Department? If so, why were not the students given timely information and warning or the classes discontinued?

It is of course true that the State Medical Faculty immediately after its creation notified that examinations under its transitory provisions will be held up to May 1916. But could it not be imagined by these students, if they knew of the notification at all, that this notification was only provisional and when the transitory provisions existed and were applied to some of the students that were already admitted before 1914 for a study of four years' course, this concession would also be extended to them when it would be pointed out to the authorities that the notification made did not cover their case and it was not possible for them to appear at the Final Examination held in 1916? Sir, it is only natural to imagine so. When they see that students admitted in 1912 are getting a chance it is impossible, Sir, I say it is impossible for them to imagine that they would not be given a chance. The fact, that this notification did not cover their case, they might have thought, was accidental by reason of a mistake or was only provisional. Surely, Sir, it is bad logic to say otherwise. To meet this it has been said that this concession—I mean the transitory provisions—was meant only for existing practitioners and not for students who had not passed out of the College. If that is so, how is it that some of the students were allowed to take advantage of these transitory provisions? Is it by mistake? The case, therefore, comes to this that some are allowed while others are not. And why this distinction? I find no suitable explanation. Besides, why was the concession subsequently extended up to November, 1916? I do not really understand why? One is, however, apt to think that this extension was made not to give the practitioners another chance, but only to meet the case of the students. because the existing practitioners had already got some chances.

Sir, one is naturally inclined to ask the question—how does the Government suffer if these students are given a chance to qualify themselves? I am unable, my Lord. I confess, to answer this question. Is there any question of official prestige or anything of that sort in this question? I think there cannot be any. Why then this persistent refusal on the part of the Government? Sir, I appeal to you to remedy this grievance. The matter may be said to be petty, because the case of not more than 100 young boys is involved. But when you look at the matter for the future life of these 100 unfortunate students the matter certainly is very serious. By your refusal you take away some rights from some young persons, who will just begin their life, possibly for no fault of theirs. When it does not injure the Government in any way, on the other hand it gives certain people the rights to which they are reasonably entitled, surely, Sir, it is not proper for the authorities to refuse their prayer simply because a discretion is vested in them. I will say Sir, that to refuse these students will be an arbitrary and not reasonable exercise of discretion.

The Belgachia Medical Institution has been thoroughly investigated into by the Government and is admitted to be a well-staffed, well-equipped and well-managed institution. I may be permitted to observe that in the year 1898 the Government of Bengal appointed a Commission, with Colonel R. C. Sanders as President, to enquire into the standard of admission,

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curriculum and equipment. The Commission came to the conclusion that their standard of admission etc., are the same as that of the Campbell Medical School and may be affiliated with a limited number of students. Besides the Government of India have by a recent notification in the *India Gazette,* dated the 12th January 1918 (Home Department No. 202-C), empowered the Belgachia Medical College to grant certificates up to 1918. The notification is quoted below :—

'In exercise . . . . the Governor-General in Council is pleased to authorize the Institution now known as the Calcutta Medical School and College of Physicians and Surgeons of Bengal, situated in Belgachia (Calcutta), to grant certificates of attendance and proficiency to such students as shall have passed the fourth year examination of the said Institution prior to the 16th March, 1918, subject to the following conditions . . . .'

That shows that the Government of India are also satisfied that students passed out of the Belgachia Medical College are fit to practise the Western medical science under the Indian Medical Act of 1916. I do not understand how it can still be said that the very same students who are thought fit by the Government of India are not fit persons to be registered under the provisions of the Bengal Medical Act, 1914. And, Sir, does it not create an anomaly between the workings of the two Acts, the Indian Medical Act of 1916 and the Bengal Medical Act of 1914? I regret very much, Sir, that these students are even now, that is, after the notification by the Government of India, refused registration.

Lastly, Sir, I may be permitted to refer in this connection to what happened in England when the Medical Act was passed there in 1858. The General Council were empowered to dispense by special orders with any provision of the Act in favour of persons who were already practising in the United Kingdom and also in favour of medical students who had commenced their professional studies before the passing of the Act. That is, Sir, what should be. Further, what was done by the Calcutta University when in 1911 the L. M. S. examination was abolished? In order to afford every chance to its unsuccessful L. M. S. students the University allowed the plucked candidates to appear at five chances till November 1913. That is the reason why I plead all the more strongly on behalf of the 1912 batch who got only one chance. In justice they ought to be allowed more chances. It is inexplicable, further, why the Bengal State Medical Faculty, did not consider the case of these students when they made the transitory provision. Is it because they were unaware of them? I do not think so. Or perhaps it was a mistake! If so, it is time that the mistake should be rectified."

The Hon'ble DR. NILRATAN SARKAR said :—

"Sir, here is a case of real hardship. Here, as in Great Britain, before the passing of a Medical Act, there had been practising members as well as students engaged in studies. According to the Medical Act of Great Britain provisions were made for declaring practising members as qualified for registration, that is to say, members that had been previously practising. By the same Act also the students who had been engaged in medical studies had certain facilities for appearing at the examination and in the case of their passing such examination they were declared as holding registrable qualifications. Here we had our students and we had our passed students. I am speaking for Belgachia School which is, I suppose, the school mentioned in the resolution. As regards our passed students who were practising members and many of whom were also in some service—at the instance of the Hon'ble Mr. Norman McLeod an assurance was given to them by Sir William Duke in connection with the discussion on the Medical Act that the passed students of this school would have an opportunity of going in for an

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examination that would be instituted by the examining body that was to be formed for examining the students. Subsequently the State Medical Faculty was instituted and the State Medical Faculty ruled or a rule was made by the Government in connection with the institution of the State Medical Faculty to the effect that for two years passed students of such medical schools as Belgachia would be permitted to present themselves at examinations to be held by the State Medical Faculty. and if they passed they would be considered as holding the medical qualification for the purpose of the Registration Act. So far it was all right, but then the Belgachia Medical School was admitting students up to the year 1913, and the Government knew it and the Government knew that when the Medical Act was passed many of the students would not have obtained maturity as pupils at that time and that some of them must take a little time after the passing of that Act in order to attain maturity. Unfortunately no provision was made for such students. In fact two years ended by May 1916, that is the two years for which the State Medical Faculty was authorised to examine the passed students of the vernacular medical schools or indigenous non-official medical schools that ended by May 1916, but by that time many of our students did not complete their course in the school and the result was that many of them have been stuck. Subsequently another chance was given and that was in November 1916 and then also many of our students did not finish their studies and the hospital attendance, etc. The result is that many of them had no chance whatever to go in for the examination of the State Medical Faculty. However, I am only concerned with pointing out the inconsistency of the Government assurance on the one hand and the orders subsequently passed. What I am interested in is this: Here is a fairly good number of deserving young men who are in a way practically declared as quacks for no fault of their own. Of course they may have a school certificate, at least some of them have, but a school certificate is of very little use to a medical practitioner, particularly after the passing of the Medical Degrees Act. Under the circumstances if the Government kindly extend the transitory regulation to another year or two, giving one or two chances to these students, I think that would be helping a deserving class of young men. As regards lowering the standard of which we are all afraid and in which we are all interested, I think there is no fear of that, for the examination will maintain the same standard as in the past and nobody shall be declared registrable or as holding a registrable qualification before he passes an examimiation. The question is only one of giving one or two chances to students who have regularly attended their classes and regularly done their duty in the hospitals and prepared in every other way for the examination with the hope that they in their turn should have a chance of going in for the examination. But unfortunately they find now that there is no chance for them. In these circumstances I support the resolution which has been moved."

The Hon'ble BABU AKHIL CHANDRA DATTA said:—

"Sir, I have great pleasure in supporting this resolution, and in doing so I do not propose to make any lengthy speech. I would only say this that a very strong case has been made out by both the speakers who preceded me, especially the views of my Hon'ble friend Dr. Sarkar are entitled to great consideration, and I therefore hope that the resolution will be acceptable to the Members of the Council."

The Hon'ble MR. DONALD said:—

"Sir, the Hon'ble Members who have supported this resolution have made some reference to the recent legislation contained in the Bengal Medical Act, 1914, and the Indian Medical Degrees Act, 1916, but they have not quite considered the bearing of these Acts on the question now before us. The policy underlying these two Acts cannot be left out of consideration. The resolution now before us should be judged by its compliance with that

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policy, and if it does not satisfy that test it is not justified by the mere fact that it extends to certain students who have previously failed, or to others who have not yet presented themselves, the favour of appearing either for a second or first time at the examinations of the State Medical Faculty. It is always easy to make concessions, but they must be justified by the general policy which is in view. It is always easy to say of any rule that it works hardly in a particular case and might be relaxed, but the purpose of the rule should not be frustrated. The whole basis of the two Acts I have mentioned was that, to secure the supply of properly qualified medical men, certain conditions had to be fulfilled, and it is inexpedient to allow men to call themselves qualified when the necessary conditions of qualification are absent.

As the Council is aware, the Bengal Medical Act, 1914, created a machinery for the registration of practitioners who had satisfied certain standards. By this Act unregistered men were not prevented from practising, but their status was in certain respects made inferior to that of those who were on the registers. Subsequent to that Act, under regulations of the 2nd March, 1915, a body was created, known as the State Medical Faculty with authority to hold examinations for its Licentiateship and Membership. These examinations are registrable qualifications under the Bengal Medical Act of 1914. Subsequently the Indian Medical Degrees Act of 1916 was passed. This Act prohibited the use of unauthorised degrees. It also restricted the right of conferring anything in the nature of degrees declaring that the recipient was qualified to practise western medical science to certain scheduled bodies only. These were bodies which were regarded as capable of giving an efficient medical training, and among them was the State Medical Faculty in Bengal. In addition. therefore, to the advantages of registration, this Act rendered it still more expedient that men who desired to practise western medicine should undergo a proper preliminary training, and that indeed was the intention. I do not wish to recapitulate the history of what may be termed the unrecognised medical schools in Bengal, but the legislation to which I have referred rested on the contention—which was accepted by the Legislature—that the instruction imparted in them was inadequate and that men who had not submitted to better tuition were not properly qualified. This is a most important point which affects the whole of the present resolution.

While the Bengal Medical Act and the creation of the State Medical Faculty were under discussion, however, attention was drawn to the position of men who were actually practising medicine, but who had not fulfilled the conditions of training which would enable them to secure a registrable qualification. The matter was referred to in the course of the debate in this Council on the Medical Bill of 1914. The consideration of the case of such practitioners led to the issue of what is known as the transitory provision in the regulations of the State Medical Faculty. I will read an extract from a letter of this Government, which explains the position. It is as follows :—

'There is in Bengal a considerable number of medical practitioners who have not been trained in the Government schools or college and they are, therefore, debarred from any possibility of registration, inasmuch as only the Government college and schools have been recognised in the schedule and, though others may be recognised in the future, the recognition will not apply to those who have already passed out. * * * There was a very strong feeling that it was a hardship to condemn * passed students * * * to be classed with quacks without giving them some opportunity of proving they were worthy of a higher place * * *. The passing of a Bill like the Registration Act must eventually work some hardship in individual cases, and it is usual to mitigate

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that hardship as far as possible by exemptions of class and individuals. * * Should the State Faculty, therefore, be established His Excellency in Council proposes to provide that, while ordinarily it shall examine students only from colleges and schools approved by the Medical Registration Council, it shall be open to the Local Government in individual cases, after consideration of the training and antecedents of the candidate, to grant a certificate of eligibility for the examination.'

This recommendation was accepted by the Government of India with the remark—and this was based on the suggestion from this Government—that 'this system of certificates should not, however, be continued beyond the first two years of the Faculty coming into existence.' Before, therefore, I explain further the transitory clause I would emphasise that compliance with this resolution does not rest within the competence of the Bengal Government. If it was decided to act in accordance with it all that could be done would be to recommend that course to the Government of India and, as I shall presently show, that authority has definitely declined already to permit a relaxation of the rules.

It may be convenient to read the transitory provision as it ultimately appeared :—

'Any person who has undergone a full course of training in any medical college or school and has obtained a certificate to that effect from the head of such college or school may, at the discretion of the Governor in Council, be granted a certificate enabling him to appear at the Final Examination for the Licentiateship within two years from the constitution of the Faculty; and on his appearing at such examination and satisfying the Examiners, he shall be deemed eligible for election as a Licentiate of the Faculty.'

It will be seen that, as directed by the Government of India, this definitely prescribed a two years' term for the continuance of the special system. The reason of this time-limit was, firstly, that it was not expedient that this intermediate concession should be of indefinite duration, thus delaying the inauguration of the state of affairs which was deemed to be necessary in the interests of medical efficiency. Secondly, assuming the existence of actual practitioners whose medical qualifications were in reality satisfactory, despite the course of training by which they had arrived at them, it was thought that two years was sufficient for such a man to rub up his knowledge for the purpose of examination. This was the scope of the concession as originally contemplated, but the Bengal Government, in its wish to minimise individual hardships, made a slight extension in its terms. They allowed any one to compete under this clause who passed out of an unrecognised school prior to the 16th March, 1916, which was the date of passing of the Indian Medical Degrees Act. This privilege did, in fact, meet the case of those students who, at the time of the issue of the regulations, were at a fairly advanced stage of their studies and who might have found difficulty in restarting them elsewhere. Those who were then junior had ample opportunity of knowing what their precise position was, and if they did not desire to accept the disabilities entailed by continuing their training in these schools, of making other arrangements for their training.

However, in pursuance of their same wish to leave no reasonable ground of complaint, the Bengal Government took yet another step. Under the rules of the Faculty examinations were held twice yearly, in May and November, and the first examination was not held till May, 1915, although the Faculty was constituted on the 11th August, 1914. This meant that the term of two years from the latter date would not have included the fourth examination of November, 1916. It was thought, however, that a reasonable interpretation of a two years' period was four examinations, and the regulations were modified, with the assent of the Government of India, so as to include this

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examination of November, 1916. In making this fact known by communiqué and by direct communication to the schools it was explicitly said that this was the last examination under the transitory clause which would be held. There is no excuse, therefore, for any one to say that they did not know where they stood, while, as I have endeavoured to show, every effort was made to meet cases in which hardship might possibly be alleged.

However, despite these measures Government still continued to be pressed to do more and prior to to-day's debate eight representations have been submitted on the subject, namely :—

I. From the National Medical College, dated the 28th January, 1916, asking for an extended term of five years (in all) for the transitory provision.

II. From the National Medical Register of Coorg, dated the 2nd May, 1916, asking for a two years' extension of the transitory period, *i.e.*, making four years in all.

III. From the Belgachia students of 1913, dated the 14th September, 1916, asking for leave to appear at the Faculty examinations.

IV. From the Belgachia students of 1912 and 1913, dated the 10th February, 1917, asking for leave to appear at the Faculty examinations.

V. From the Belgachia students, dated the 26th March, 1917, asking for leave to appear at the Faculty examinations.

VI. From those who failed in one or two subjects at the last examination, dated the 29th May, 1917, asking for leave to appear once again.

VII. From Dr. M. N. Banerjee, dated the 4th September, 1917, asking for two more chances to those who passed out of Belgachia before March, 1916.

VIII. From the Indian Association, dated the 19th October, 1917, asking that all passed students of the unrecognised schools should be given at least one more chance.

IX. From the students of the Belgachia Medical School, dated the 17th January, 1918, asking for the acceptance of this resolution.

To none of these the Local Government saw their way to accede, beyond the extension over the examination of November, 1916, to which I have already referred, while the fourth and sixth memorials were rejected by the Government of India.

This then is the position, and we now have the matter raised for the ninth time by the present resolution. To its acceptance I would urge the following objections.

In the first place the whole case for the Bengal Medical Act and the Indian Medical Degrees Act (which, I would repeat, has been accepted by two Legislatures) rests on the fact that the medical training of the unrecognised schools was utterly bad. These schools were treated with much patience; every effort was made to induce them to reform themselves, and it was not until these failed that resort was had to legislation. As regards Belgachia the school has, I must admit, since sought to attain a higher standard and I may mention that in so doing Government has given it liberal assistance, with the help of which we wish it all success in its future career. But even in that school there was delay in taking steps to reform. The rest declined practically to do anything. It is not reasonable, therefore, that we should now be asked especially to provide for those students who were content to continue in circumstances of which they could easily have foreseen the consequences. If the training of these schools was bad, then in allowing their students to compete at the Faculty examinations, we are merely

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facilitating the registration of ill-equipped practitioners. We have already made concessions, and in 1916 we said we could do no more. I submit that we have treated these men fairly, and we merely deprecate the value of the Licentiateship if we allow improperly trained men to take it. It is not a full answer to say that a man who can pass the examination must be competent ; if examinations are the sole test, the whole case for insistence upon efficient preliminary tuition (whether it be in medicine or anything else) disappears.

Secondly, as regards those who were in practice at the time of the Act, I have shown why a two years' term was adopted, how it was extended in order to give to it that full effect that it might be argued was meant, and how at that stage there was intended to be finality. For revising that decision no adequate cause has, I submit, been shown.

Thirdly, in matters of this kind there must be definite regulations, and probably no regulation has ever been framed under which it is not possible to argue a hard case. But that consequence does not justify the relaxation of rules to an extent which would practically nullify the object for which they were promulgated.

Fourthly, if we grant further concessions, where are we to stop? The facts regarding previous representations which I have given to the Council show that there is no unanimity as to the remedy. If we benefit the 1913 students then why not those of 1912? If we help the Belgachia men then why not those of the other unrecognised schools? I had a letter yesterday from Dr. Mullick and he raised this question. If the Belgachia students of 1913 were admitted to this examination, why should the students of his school not be admitted? And again if we give one more chance, then why not two, and so on? The path of concession is a slippery path.

For these reasons I cannot recommend the acceptance of the resolution even if its fulfilment lay within our power, which it does not. It must be remembered that there is nothing in these restrictions which prevents an unqualified man from practising ; the object of this legislation has been merely to define the status of those who are accounted to be duly qualified and to prevent the assumption by those who are not fully trained of titles, etc., which might lead to the presumption that they were."

The Hon'ble BABU KISHORI MOHUN CHAUDHURI said :—

"Sir, I have submitted all that I have got to say and everything has been very clearly explained by my Hon'ble friend Dr. Sarkar. I really cannot understand the position of Government and from where the difficulty comes. I was referring to the Belgachia School which has been acknowledged after an inquiry and also by a Government notification to be a fit institution to grant certificates. The pass students who would be qualified under the provision of the Medical Degrees Act, 1916, will be considered as quacks under the Bengal Medical Act, 1914. As to the training, they have got sufficient training to undergo any examination under the provisions of the State Medical Faculty and a certificate granted by the school authorities should be quite sufficient. They do not claim that without an examination they should be registered. They are fully prepared to sit for another examination. Just as a concession was made to the L. M. S. students of the Medical College a similar concession may be made for the students admitted in 1913 and who through no fault of their own are debarred from practising as registered medical practitioners. As far as I can see, there is no valid reason why Government should refuse this concession to them. I have been told that the final decision rests with the Government of India. That may be so. My proposal is that a representation be submitted to the Government of India setting forth the present situation. The recommendation of the school authorities may also be submitted to them. That is all I have got to say, and I hope the Council will support my resolution."

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The motion being put a division was taken with the following result —

Ayes—25.	*Noes—15.*
The Hon'ble Dr. Nilratan Sarkar.	The Hon'ble Mr J. G. Cumming, C.S.I., C.I.E.
" " Mr. Aminur Rahman.	" " Mr. C. J. Stevenson Moore, C.V.O.
" " Raja Hrishikesh Laha, C.I.E.	" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Mr. Glen.	" " Mr. J. Donald, C.I.E.
" " Rev. Dr. G. Howells.	" " Mr. L. S. S. O'Malley.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.	" " Mr. F. A. A. Cowley.
" " Kumar Shib Shekhareswar Ray.	" " Lt.-Col. W. J. Buchanan, C.I.E., I.M.S.
" " Babu Brojendra Kishor Ray Chaudhury.	" " Mr. C. H. Bompas.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.	" " Mr. W. C. Wordsworth.
" " Rai Debender Chunder Ghose Bahadur.	" " Mr G. F. Payne.
" " Mr. F. W. Carter, C.I.E.	" " Mr. E. B. H. Panton.
" " Sir A. Birkymyre, KT.	" " Rai Priya Nath Mukherji Bahadur, I.S.O.
" " Mr. H. R. A. Irwin.	" " Mr. J Mackenzie.
" " Dr. Abdulla-al-Mamun Suhrawardy.	" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Maulvi Abul Kasem.	" " Mr. E. B. Eden.
" " Khan Sahib Aman Ali.	
" " Babu Bhabendra Chandra Ray.	
" " Mr. Altaf Ali.	
" " Babu Akhil Chandra Datta.	
" " Rai Mahendra Chandra Mitra Bahadur.	
" " Babu Surendra Nath Ray.	
" " Babu Mahendra Nath Ray, C.I.E.	
" " Mr. K. B Dutt.	
" " Babu Kishori Mohan Chaudhuri.	
" " Babu Ambika Charan Mazumdar.	

The following members were absent :—

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. T. C. P. Gibbons, K.C.
" " The Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. Provash Chunder Mitter.
" " Mr. Arun Chandra Singha.
" " Rai Radha Charan Pal Bahadur.
" " Mr. E. A. Martin.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul-Haq.
" " Rai Sri Nath Ray Bahadur.

The Ayes being 25 and the Noes 15, the motion was carried.

LIST OF BUSINESS—ITEM No. 13.

The PRESIDENT said :—

The resolution which is now going to be moved consists of three parts, and I am going to put them separately to the Council ; but if the Hon'ble Member desires he can deal with the whole resolution in his opening speech.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI then moved the following resolution :—

This Council recommends to the Governor in Council that—

(*i*) early steps be taken to impart suitable instruction in improved methods of agriculture, and that demonstration farms be established in different centres in this Presidency;

(*ii*) arrangements be made for teaching and giving practical training in elementary agriculture in primary schools with special reference to local needs ; and

(*iii*) a committee be formed of official and non-official members and experts to frame rules and regulations for agricultural education in all its branches and allied subjects.

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Babu Kishori Mohan Ray Chaudhuri ; Mr. Cumming.

He said :—

"Sir, the question of agricultural education involved in my resolution has now been taken up in right earnest by the Calcutta University. That it is not only desirable but it is necessary to take steps to promote the teaching of agriculture is, I can take it, an admitted fact. It is really the 'bread' question of the day. We want rapid spread of education but such education is necessary as will enable us to earn our livelihood independent of Government service. We must learn how to stand on our own legs. Bengal consists mainly of an agricultural population and the need for this branch of education is felt alike by the Government and the people. There was a Conference at Simla as to the means of spreading agricultural education and we hear conclusions were arrived at, but we do not know of anything that has been done as yet in this direction. I think it cannot be postponed any longer. Now that the University has drawn up a scheme for diploma, license and degree examinations in agriculture, it is urgently necessary that a thorough and practicable scheme well suited to the requirements of the province should be drawn up for the primary as well as secondary schools. The Agricultural Department has not been able to do much in this behalf. The reason is that it has not been able to create an interest for the general public. Whatever is done in the 'experimental' farms is not communicated and demonstrated to the agricultural class. Moreover, the costly experiments carried on in the experimental farms cannot benefit the people. Regular arrangements for theoretical education in agriculture supplemented by practical training in 'demonstration' farms are urgently necessary.

The scheme prepared by the University aims, it seems to me, at the establishment of a separate college. If it is not possible at present to have it, some of the colleges—*e.g.*, the Dacca and Rajshahi Colleges—can be selected for affiliation in agricultural studies and additional arrangements may be made for proper training at moderate cost. The scheme, in my opinion, should be prepared in such a way as may enable the University to grant diploma or license on the result of the Intermediate Course and the Degree examination may be completed in two years like other Degree examinations. However, this is a suggestion only and it is for the University to consider the details. I propose that Government should accept the principle. A Committee should be formed for the preparation of a scheme with the help of the experts and in co-operation with the University, for agricultural training in the lower stages. My idea is that in the 'primary' schools agricultural education should be compulsory. But as there may be differences of opinion on that point I suggest that the proposed committee may be directed to consider the question. In the secondary stage it may be optional so that those who like to take up agriculture in their College education may take advantage of this optional branch. The real difficulty is in the practical training. As I have already submitted, 'demonstration' farms should be largely arranged for so that the pupils may get the practical training there at least for a term. These are things, however, for detail which should be dealt with by the Committee. All I want is that Government will be pleased to take up the matter and do the needful in furtherance of this movement, which has also been recognised by the Simla Conference and the Calcutta University.

The demonstration farms as soon as self-supporting may be made over to the local Committees."

The Hon'ble Mr. CUMMING said :—

"Sir, it certainly requires no words of mine to commend the improvement of agriculture in a country in which the chief industry is agriculture. The Hon'ble Member desires that Government should institute instruction in agriculture in colleges, in middle schools, and in primary schools. I shall deal with these in turn as the occasion arises ; but, probably, the more

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convenient way of dealing with the resolution is to take the heads as they stand in the agenda.

First of all, regarding the imparting of suitable instruction in improved methods of agriculture and the establishment of demonstration farms in different centres in this Presidency, I may say at once that Government accept that part of the resolution. But, I should like the Hon'ble Member to realise that the extent and nature of improvement in the methods of agriculture is only one of the many problems which lie before the Government in the Agricultural Department. It should also be realised that farms which are called demonstration farms are also experimental farms to a large extent for the purpose of investigation and research. At present we have six such farms in this Presidency, and it is in contemplation to proceed further, so that in due course there will be a small farm at the headquarters of each district.

Turning now to the second portion, as regards the teaching and the giving of practical training in elementary agriculture in primary schools with special reference to local needs, I fear that though the Hon'ble Member has referred to the literature on the subject, he is not fully acquainted with the conclusions to which the various Conferences have come. As regards his proposition that elementary agriculture as such should be taught in primary schools, the opinion which the advisers of Government have deliberately formed is that all attempts to teach agriculture as such in primary schools should be abandoned. This was one of the resolutions of the Conference on Agricultural Education held at Pusa in February 1916. The terms of that resolution were as follows: The Conference considered that all attempts to teach agriculture in primary schools should be definitely abandoned, and they desired to reaffirm a resolution of the Board of Agriculture passed at Coimbatore in the year 1913. The resolution passed at Coimbatore in 1913, was that the Board of Agriculture considered that the question of a sympathetic co-operation between the educational and agricultural departments in adapting rural education to rural needs was one of great importance. In other words, what they considered important was not the teaching of agriculture to the sons of agriculturists, but that in giving primary education to the sons of agriculturists, regard should be had to their environment and that the curriculum should be such as would appeal to the eyes and minds of agriculturists. During the proceedings of a later Conference held at Simla in June 1917, the Conference passed a resolution in the following terms:—

'The Conference also strongly insist on the desirability of adapting primary education in rural areas more closely to rural needs. Whilst agreeing that no attempt should be made in primary schools to teach agriculture or horticulture as such, the following suggestions are made towards the solution of this problem.'

Then follows a number of recommendations, with which I shall not trouble the Council; but the purport of them all is that instruction in primary schools should be such that boys brought up in a rural atmosphere will appreciate. So, sir, regarding the second part of the Hon'ble Member's resolution, I fear that this Government cannot accept it. The proposal has been definitely rejected by two All-India Conferences and the Government of Bengal have in their turn also definitely endorsed the same decision. When the matter last came up for consideration, it was held by the Bengal Government that the attempt to teach agriculture in primary schools should be definitely abandoned; that it was useless to repeat the arguments which had been used against the system, but that there was a decided advantage in making a definite declaration that the attempt was impracticable. I do not wish, however, that the Hon'ble Mover should infer from this that Government are in any want of sympathy with the interest that he has at heart. The obvious difficulty lies in the provision of suitable teachers. One of the most competent men in India to express an opinion on

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that point has stated that it is absurd to expect a boy to acquire any scientific knowledge worthy of the name in two years' time; and unless, he said, the teachers were fully trained any method of instruction was absolutely useless. The Hon'ble Member himself knows what class of primary teachers we have at present in our primary schools.

I now turn to the last sub-head of the Hon'ble Member's resolution that a Committee be formed of officials and non-officials to frame rules for agricultural education in all its branches. Undoubtedly, the subject is one which will always repay further investigation and further discussion; but at the present moment, we have to look back upon what has been said by the All-India Conferences which were convened for the very same object, *namely*, to lay down principles for agricultural education. One of these Conferences was held at Pusa in February 1916, the second was held at Simla in June 1917, and the third has just been held under the auspices of the Board of Agriculture at Poona, the record of the proceedings of which has not yet been forwarded to this Government. One of the points on which we hope to get further instruction from the proceedings of the Poona Conference is the question of the framing of a syllabus for agricultural middle schools, and until we receive that, we are not in a position to proceed any further in this matter. The question which the Government of Bombay have raised is that instruction should be given to the sons of agriculturists who after a period at the school should go back to their land. It has been suggested that similar schools should be established in Bengal, but so far there has been no local demand for any school of this description. On the other hand, the question of the provision of a short course of training in scientific agriculture for the sons of landlords, not of agriculturists, was raised in 1916. The proposal received a lukewarm support from the Landholders' Associations who were consulted, and, as the Eastern Bengal Landholders' Association were not prepared to guarantee even the small number of ten students to attend classes at Dacca for three months, the proposal was dropped. I need hardly repeat that Government have every sympathy with the motives which inspired the Hon'ble Member to bring forward his resolution; but I am not prepared to accept it as a whole. The acceptance of the first part has already been mentioned; the second portion is contrary to the universal opinion of experts, both agricultural and educational; and as regards the third part, I would ask the Hon'ble Member to be good enough to accept the assurance of the Government that the consideration of the question is in hand. But before I resume my seat, I would repeat to the Council, as regards the whole question of agricultural education with reference to the actual agriculurists, the wise words of the present Agricultural Adviser to the Government of India. He submitted an excellent memorandum to the Conference that was held on the subject of Agricultural Education at Simla in 1917, and therein he made the following remarks :—

'For the great illiterate mass of the population, it will probably be necessary for many years to come to rely on demonstration. As education and co-operation spread there will be a higher standard of instruction on which it will be possible to super-impose the various forms of agricultural education which have been introduced in other countries. But it is doubtful whether India should disregard the general experience of these countries and attempt to give an agricultural education otherwise than on the basis of a sound general education. For the present, perhaps, the wisest policy seems to be, by improved agriculture and co-operation, to raise the general standard of education. When that object has been achieved, it will be easy to add anything that may be required in the way of specialized training.' "

The Hon'ble BABU KISHORI MOHUN CHAUDHURI said :—

"Sir, I am grateful to Government for the acceptance of the principle set forth in the first part of my resolution. As regards the second part, that is

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to say whether in primary schools agriculture should be taught or not. I am aware that there is good deal of difference of opinion on the point; but I think that, as I have already said, we ought to create interest in the minds of the general public in agriculture—by general public I mean the agricultural class. Bengal consists mainly of agricultural population. Every gentleman in Bengal, at least in Northern and Eastern parts of Bengal, has got some land, and if a small farm, or even 100 bighas of land, could be properly managed and the suitability of the soil, manure, selection of seeds, drought-resisting methods and all such things can be taught properly, not only the wealthy agriculturists but also the middle class gentry would be much benefited. If any such thing is to be done it should be done from the primary *pathsalas*. The question may, however, be investigated.

My third suggestion is that a committee of official and non-official members with experts may be formed and a further investigation may be made as to how to make this branch of study interesting to the rising generation, and whether any good result can be achieved by imparting education in elementary schools. If this is not done, then how is it proposed to instruct the sons of agriculturists in the improved method of agriculture? In Rajshahi, Murshidabad and Malda there is an arrangement of teaching sericulture through the help of overseers who have recently been appointed by the Agricultural Department but practically they have not been able to do much. My idea is that if anything is to be done some interest should be created at first and then, in the second place, it should be proved to the agriculturists and persons interested in agriculture that it can be made paying and this should be demonstrated. There are some experimental farms in Bengal. We have one in Rajshahi and I have some experience of the methods of work there. In these farms experiments are carried on, but the result is not communicated to the agricultural class and the method followed is also very costly. So when I suggested the formation of a committee my idea was that although there was some difference of opinion on the question it may be fully investigated and carefully inquired into whether or not good results can be expected by introducing agricultural primers in primary schools. Of course so far as secondary education is concerned the study of agriculture may be optional. There is some difficulty in obtaining teachers. My idea is that small farms on demonstration lines should be opened where boys having some theoretical knowledge in primary schools may go and see for themselves how it can be made paying, and if they realise that by following the improved method they can gain more a large number of people will be benefited. It is in that view that I suggested that an investigation be made by a committee composed of officials, non-officials and experts. Of course the question was dealt with in small conferences but I am not sure whether experts well acquainted with the method of agriculture or the system in which it is carried on were represented in these conferences. It is therefore that I suggest that Government should be kind enough to make further investigation with the help of a special committee consisting of non-official members also.

As regards the second branch of my resolution I am not very particular if there is an opinion of competent authorities that agriculture should not be taught in primary schools; but, as I have submitted, I do not know how, if it is not done through the school, the instruction can possibly be given or made interesting. It would be very well no doubt for the landholding class to come forward to learn agriculture, arboriculture and horticulture and such other things. It is very profitable, and if they can be properly taught, it will not only be interesting, but will also prove to be a means of livelihood to a great number of people. If I get an assurance from Government to this effect, I will be fully satisfied. The question has been taken up by the University and this is the time when something should be done by Government. Whatever is done by the University can be supplemented by imparting agricultural education in schools and in that way the University scheme may be made fairly successful

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This aspect of the question should also be considered. I hope Government will see their way to accept the suggestion that as soon as possible a committee may be formed and in co-operation with the University a regular scheme be framed for investigating this question."

The PRESIDENT said :—

"Does the Hon'ble Member withdraw the second and third parts of his resolution ?"

Hon'ble Babu KISHORI MOHUN CHAUDHURI said :—

"As for the second part I shall withdraw it if I get an assurance from Government."

The PRESIDENT said :—

"The Hon'ble Member had the Hon'ble Mr. Cumming's assurance on that point."

Clause (i) of the resolution was then put and agreed to and the Hon'ble Member then, by leave of the President, withdrew the second and third clauses of the resolution.

List of Business—Item No. 14.

The following resolution stood in the name of the Hon'ble Babu KISHORI MOHUN CHAUDHURI :—

This Council recommends to the Governor in Council that steps be taken to place the services of Mr. S. Milligan, Officiating Director of Agriculture, Bengal, permanently at the disposal of the Government of Bengal and that he be confirmed in that appointment.

He said :—

"Sir, as regards this resolution, I see there is a good deal of difference of opinion and in view of that I pray that I may be permitted to withdraw it." The resolution was then by leave of the President withdrawn.

List of Business—Items Nos. 15 and 16.

The Hon'ble BABU SURENDRA NATH RAY moved the following resolution :—

This Council recommends to the Governor in Council that the Government of Bengal do move the Government of India—

(*1*) to take steps for the encouragement of the manufacture of salt in Bengal ; and

(*2*) to allow the salt manufactured by people for their own consumption to be free from duty.

He said :—

"The question of the manufacture of salt has come prominently before the public on account of the great increase of price of this essential article of diet and in consequence to the large number of looting of hats and bazars which have taken place in some of the districts of this Presidency within the last two months and are taking place even now It appears that from the 27th November 1917 to 8th January 1918 reports have reached of 49 hat-looting cases. How is it that the people of this Presidency who are naturally of a peace-loving and law-abiding nature have taken to plundering ? These acts show that the masses of the people, who are generally very poor, have been greatly affected by the high price of salt now prevailing in the market and are unable to buy salt at the increased price. They have taken recourse to what I may call abnormal acts to meet with an abnormal state of things. In opening the trial of a batch of prisoners before the Special Tribunal at Rungpur, the Public Prosecutor said the other day, 'the loot was of cloth and salt only, and was due to the high prices of these

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things.' We find in the report on the Administration of the Salt Department in Bengal during the year 1916-17 that increase in the number of offences against salt laws was due to the high price of salt. In the Administration Report for 1915-16 we find that 'the high prices of salt have led to a recrudescence of offences against the salt laws in the Presidency.' We do not certainly minimise the offences of those who have taken part in this unlawful method of acquiring the article but we pity them. I have collected certain figures to show the price of salt from the year 1906 up to the present time. From the year 1906 to 1913 the price varied from Re. 1-7-6 to Re. 1-12 per maund. In 1914 before the war it was Re. 1-7-6, in 1915 Rs. 2-6, in 1916 Rs. 2-15, in the beginning of 1917 Rs. 2-15, in April Rs. 3, in September 1917 it was Rs. 3-11, in October it was Rs. 4-6, in the beginning of December 1917 it was Rs. 6-4, on the 16th December 1917 it was Rs. 4-15 and on the 13th January it was Rs. 4 per maund. It will thus be seen that the price of salt rose to more than four times its price and is even now sold for nearly three times the price in normal times.

That the war is responsible to a great extent for the rise in the price of salt no one can gainsay. Profiteers are also taking advantage of the present situation. But they have done so and have succeeded in doing so because they know that people are powerless, they cannot manufacture their salt and have to depend perforce upon the imported article. The result has been that the people have taken recourse to unlawful acts. They see that having salt in their own country which they could manufacture and use they cannot utilise the same on account of Governmental restrictions. They have to depend upon Cheshire, Liverpool and Germany, places 10,000 miles distant, for an article of indispensible diet whereas they know that the article is to be found at their very door. They know that for generations salt used to be manufactured in the country and that they have been unjustly deprived of that to which they believe they have a just right. It is not for a luxury they are craving for, but, as I have said, an indispensible food. No wonder there is discontent among the masses and discontent has most unfortunately manifested itself in these illegal acts.

At the present time Bengal obtains its entire salt by importation. The East India Company under Clive and Hastings introduced a system which was gradually matured and which survived till 1862. It provided for the control of the manufacture and sale of salt at the agency to the Company's servants. The people of Bengal always manufactured their own salt. In the Sunderbans, in Contai, in the Diamond Harbour Subdivision of the District of 24-Parganas, in Noakhali and Chittagong and also in Bakerganj, salt used to be manufactured in large quantities, at least, the people had not to depend upon imported salt for their daily consumption. Let me quote a few passages from a Government publication, 'The District Gazetteer of Bengal' (the volume about Midnapore), edited by the Hon'ble Mr. O'Malley in support of my statement, if any support were needed: 'The manufacture of salt was until nearly half a century ago a Government monopoly. Both under Muhammadan and English rule large areas in Hijili were kept under direct management by Government so as to afford fuel and facilities for the manufacture of salt. The Jalpai or salt lands which being exposed to the overflowing of tides were strongly impregnated with saline particles, and were subdivided into khalaris or working places. Mr. Grant's report on the revenue of Bengal, dated April 1786, states that each khalari on an average yielded 233 maunds of salt, requiring the labour of seven malangis or salt manufacturers, who by an easy process of filtration and by boiling the brine with firewood collected from the neighbouring jungle completed their operations between November and June before the setting in of the rains. The savings from these six months' wages enabled the salt workers to retire to their homes for the remainder of the season to cultivate their arable (madhuri) lands, which they held either rent-free, or under favourable terms,

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under the denomination of Chakran or service lands........................ The nominal cost price of the salt was Rs. 60 for every hundred maunds. Mr. J. Grant, in his report of 1786 estimated the quantity of salt annually manufactured in Hijili at 850,000 maunds.

In the year 1781 the East India Company established a salt department, and deprived the zemindars of the right to manufacture salt on their estates............... This monopoly continued in the hands of Government till about 1861, when the State relinquished the manufacture, leaving it to private parties, subject to the payment of a salt duty.'

The manufacture of salt has been discontinued in Bengal since 1898 and is now forbidden. We are now told that the Bengal coast is unsuitable for the local manufacture of salt, by reason of the dampness of the climate and the large amount of fresh water discharged into the Bay of Bengal by the Ganges and the Brahmaputra. Much fresh water has no doubt flowed from the hoary-headed Himalayas since the manufacture of salt was stopped but we cannot bring ourselves to believe that the water of the Bay of Bengal has lost its saline character and that it is no use trying to extract the salt from it. In the memorandum, dated the 5th April 1917, submitted by this Government on the production of salt in Bengal in answer to a question in the Imperial Council we find the following :—'The question of the revival of the manufacture of salt from time to time has been brought to the attention of this Government. It was last considered in the year 1908, when the Lieutenant-Governor of that time came to the conclusion that it would be useless to attempt to revive the industry that had at one time existed in the Province.' We find in that memorandum that the re-establishment of the industry on a permanent basis in Bengal could not be looked on as full of promise and that this Government saw no necessity for re-establishing the salt industry in Bengal in order to provide for the requirements of India. Circumstances have changed since the memorandum was submitted by this Government to the Government of India in April 1917. We do not want this Government to revive the industry in order to provide for the requirements of India. We require salt for the people of this province and this province only. In answer to a question at the last Council meeting we were told that the possibilities of the manufacture of salt on the Chittagong side of the Bay of Bengal had been brought to the notice of Government. Suitable brine was said to be obtainable at Cox's Bazar and to the south but difficulty existed in the task of easy communications to that area. while labour might not be readily available. We were also told that Government had ascertained that there was no immediate fear of any shortage of imported salt. The Government know full well whether there is shortage of salt in the Province or not, but we think that the situation is serious and that Government ought to grapple the question in a way the gravity of the situation demands. It is necessary that immediate steps should be taken to remedy the existing state of things from whatever cause or causes it might have arisen.

About a year ago, when there was a strike among the butchers of the Calcutta Municipal Market and there was apprehension of shortage of meat in the town for the European residents, what did the Corporation of Calcutta do? The energetic Deputy Chairman of the Corporation went to Dinapore and brought meat from that place by special train regardless of expenditure and probably without waiting for the sanction of the Commissioners of the Corporation, so that the European residents may not go without meat for however short a time. Why have the Government of India taken so much interest in regulating the rent of houses in Simla and have gone to the length of passing the Simla House Act? In the interests of how many people one is tempted to ask? The rise in the price of salt has affected a very large number of people and they are in distress. That is more the reason why Government should take immediate steps to relieve them. It is also said that the salt

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manufactured in the country would not be able to compete with the imported article. That may not be the case if salt is manufactured by Government agency, but it would be otherwise if the people were allowed to manufacture their own salt. Let me quote a passage from the Fourth Report of the House of Commons, 1853, in support of my contention : 'The present price of the Government manufactured salt in Bengal is very much raised to the consumer in the market by the necessary want of economy, not to say extravagances, connected with the Government system of manufacture and by those many peculations and extortions and corruptions which are inevitable in such a system, and carried on with such instruments. It has seemed almost certain under those circumstances to persons informed upon the subject, that if the Government were to withdraw, and if there were no duty imposed and the whole were left perfectly free, the native manufacturers in Bengal would forthwith completely and entirely undersell the imported salt, and there would not be a grain of salt imported into Bengal.' Mr. Frederick Halliday (afterwards Sir Frederick Halliday) who was Secretary to the Government of India in the Home Department in the early fifties of the last century and who was shortly afterwards appointed Lieutenant-Governor of Bengal gave it as his opinion that if Government monopoly was withdrawn and the people of India were allowed to manufacture their own salt, imported salt would have no chance in India.

The Government need not consider the question whether the manufacture of salt will be profitable to the people or not, all we ask for is that if the people want to manufacture it, all restrictions for doing so ought to be removed.

The decline in the manufacture of the salt in Bengal formed the subject of a memorial to Government by the British Indian Association so far back as the year 1882. The memorialists said : 'The manufacture of indigenous salt is practically dying out in Bengal simply because the home grown salt in consequence of the heavy charges thrown upon it by Government, cannot compete with imported salt. In the case of home made salt the cost of excise establishment, preventive establishment and warehouse establishment amounts to about Rs. 25 per hundred maunds, charges from which foreign salt is free. If this burden on excise salt is remitted, the Committee feel persuaded that it will have a fair chance in the market and the competition thus fostered will eventually lower the price of foreign salt.

The next serious drawback against the indigenous manufacture of salt in Bengal is the fixed warehouse establishment of Rs. 51 per maund. In Bengal, there is home manufacture of salt in the district of 24-Parganas and as the outturn here is small and the sales slow, this item of charge necessarily bears hard upon the manufacturers.'

I have been informed by a respectable gentleman of Chittagong that the people of that place could very well manufacture and sell salt at two or three pice per seer, and that if the present restraint were discontinued they could compete with the imported article. He informed me that Chittagong, Noakhali and Sonedwip are places which are pre-eminently fitted for the manufacture of salt. About three weeks ago we read in the papers that the people of Noakhali had petitioned to the Magistrate of the district to allow them to manufacture salt and that the Magistrate had forwarded their petition to the Government. We know that Government are fully alive to the gravity of the situation, but so far we do not know what steps the Government have taken to reduce the hardships of the poor people.

It is well known how bounty fed sugar of Germany competed with the sugar manufactured in this country, we know how even now Japan has been subsidising her manufacturers by bounties so that they may compete with those of foreign countries. We do not in the case of salt ask for any bounty from Government. All we say is that the Government may be pleased to remove all restrictions to its manufacture including where possible the duty on salt. Of late we have heard much about the development of industries

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of the country and the members of the Industrial Commission are making tour all round the country. We would respectfully ask Government to let a beginning be made to revive an industry which has been put a stop to by their orders, an industry the necessity of which is admitted on all hands. Let Government remove all restrictions to the manufacture of salt in Bengal so that it might be one of the cheapest articles for the people to obtain.

I would now say a few words with reference to the second part of my resolution, viz., that about making salt free from duty to consumers of salt. It is necessary to impress upon the Government the necessity of making the salt duty free especially at the present time. This Government will no doubt have to recommend to the Government of India to make the salt manufactured for the people of this country for their own consumption duty free. I do not want remission for the entire population of Bengal. That would be considered as a large order though that would be a step in the right direction. From the days of Adam Smith downwards political economists have condemned all taxation upon articles of necessary consumption. Professor Fawcett said that salt should be as free as the air we breathe and the water we drink. I need hardly say that salt to the generality of the people of Bengal, who are mostly agriculturists, is more than what potato is to an Irishman, or meat and tea combined to an Englishman or a Scotchman. In several cases rice and a little salt form the only meal of an agriculturist. Government probably have not failed to observe that the reduction of salt duty has invariably resulted in the larger consumption of salt. It is not only a necessary article of human diet but people put down the deterioration in our cattle at the present time because salt is not given to them.

The duty on salt was reduced from Rs. 2 per maund in 1903 to Re. 1-8 in 1905 and Re. 1 in 1907. It was, however, enhanced to Re. 1-4 per maund in 1917. It is admitted by every one that the duty on salt is largely paid by the poorer classes—it falls upon the poorer consumers. To satisfy some faddists (Messrs. Pease & Co.), crores and crores of Indian revenue have been sacrificed in the shape of opium revenue. Why should not Government take a bold step and in the interest of the teeming millions, in the interest of humanity abolish the duty on salt altogether? My present resolution is only to allow salt which is manufactured by the people for their own use to be free from duty. It may be that there will be not only illicit manufacture but illicit sale of salt by people, and in consequence there would be some loss of revenue to Government. What if it were so? Government must be prepared to make a little sacrifice of revenue. It is the poor people who will mostly be benefited. Government must be prepared to incur some losses at the present juncture. The salt duty question in India has been justly characterised by the late Mr. Gokhale as the poor man's question, for it is the poorer many and not the richer few who eat more salt when it is cheap and less when it is dear. It may be that Government have been taking some steps to remedy the grievances of the poor people, but it is necessary that wide publicity should be given to all that the Government has done up to this time and if it is the intention of Government to do more it must be done quickly. Prompt action on the part of the Government will go a great way to bring about the normal state of things in the country.

In my opinion this important question which has given rise to the looting in the hats can at once be solved and all looting stopped as soon as it is notified to the people that for purposes of domestic consumption only they can manufacture their own salt and this, in my opinion, should be done without delay."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved by way of amendment that the resolution of the Hon'ble Babu Surendra Nath Ray do take the following form—

"This Council recommends to the Governor in Council that the Government of Bengal do move the Government of India to

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allow free manufacture of salt in Bengal during the period of the war and for two years following the close of hostilities."

He said

"Sir, speaking for myself I am very thankful to the Hon'ble Babu Surendra Nath Ray for the facts and figures which he has been able to put before the Council this afternoon. The amendment which I propose to his resolution is not simply of form, though it no doubt follows his line but it goes further. My Hon'ble friend would limit the use of the manufacture of salt but would not limit the time for which the salt would be duty-free. He does not say how long the salt manufactured by the people would remain free from duty but he says that this salt will have to be used by the manufacturers and the manufacturers alone and is not to be given away to other people by way of sale or gift. As the Council knows salt can only be manufactured in the sea-boards. You cannot manufacture it in the district of Rangpur or Bogra of which we hear so much in connection with the looting of shops and hats. However, the result of the acceptance by the Government of India on the recommendation of this Government of my friend's proposal would be that the raiyats of the Sunderbans or those residing in that part of the country and people residing in the sea-boards of Chittagong and Noakhali and Midnapore would alone have the benefit of the proclamation if the Government are pleased to notify that they would be able to manufacture salt for their own use and free of duty. That will not touch the root of the discontent. We have not heard much of the looting of salt in the Sundarbans. I do not think that if my friend's proposal or that of mine is accepted it will touch the interest of the British trade. The reason why this question has come before the Council is that there has been acts of lawlessness all over the province by poor people who suffer from the want of salt but are too poor to buy or pay the present price of salt. I do not mean to say that if you make the manufacture of salt duty-free without any condition as to whether they use it for their own consumption or they sell it to others all the population of Bengal will be benefited by it and that they will not have anything to do with the imported article. That certainly will not be the result if you make the manufacture of salt duty-free without imposing any condition that the manufactured salt is to be consumed by the producer. My proposal runs thus: That we may be allowed free manufacture of salt in Bengal during the period of the war and for two years following the close of hostilities. As I have said salt can only be manufactured in the sea-boards of Bengal so far as this province is concerned and that salt, judging from past experience, is dirty and unrefined and is not so good as the salt we get from Europe and Africa and not even so good as the rocksalt of the Punjab. But the fact of the Government passing an Ordinance to the effect that the salt produced by manufacturers in Bengal will be duty-free will be hailed with delight by the people of this province. It will not only have a moral effect but an economic effect also, for the price of the imported salt will be lowered, and from both the moral and the economical points of view it will have a gratifying effect. At the present moment, as I understand, the duty is Rs. 125 for 100 maunds, and the agents of the people who send out salt to this country are charging Rs. 240 per 100 maunds. Add to that the duty of Rs. 125, the price which is to be paid in Calcutta is Rs. 365, and the retail trader who buys a 100 maunds for that sum in Calcutta for taking the same to the mufassal has to incur certain charges for carrying it. So he cannot sell it in the mufassal at anything less than Rs. 400, and that accounts for the high price which the poor man in the mufassal has to pay for this article. If the poor man is told you are free to manufacture salt, you will not have to pay any duty though it may be that every poor man will not be able to avail himself of such a gracious proclamation, yet it will drive away from his mind the feeling which he nourishes against Government for

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not being able to manufacture salt at home and in having to pay an exorbitant price for salt imported from other countries. If you issue a proclamation of this kind the poor man will certainly be more attached to the Government than what he is now. I put it in this way and I am not going to say that you deprive yourself of the revenue which you derive from salt duty. As I gather you get more than a crore of rupees by imposing salt duty in Bengal and if you allow people in the sea-boards to manufacture salt you will probably lose a few lakhs of rupees and the amount of your revenue will be little less. You will still be getting salt from other countries and you will probably be receiving almost the same revenue as the quantity of imported salt will not be reduced to a very large extent. As I have said the country-made salt being unrefined and dirty, the genteel folk will not go in for it, and it is only the poor man who would buy such salt. Therefore I think it is sound policy if you make it duty free. I am aware of what other people have said that salt ought to be as free as air and one would be glad to see that it is so. But all that I say now is make it duty free during the period of the war and also for two years following the close of hostilities as the country is not likely to resume its normal stage as soon as the war is finished. After normal conditions of tonnage are restored you will have salt as now from other countries. Salt comes, I believe, free of charge as ballast, so that not only the exporter but the importer too can afford to sell it at a considerably less price than he could have if he had to pay freight charges. I am not an idealist and I do not say you should suffer a loss and take off the salt duty for all time. I am quite sure that in course of time if you give facilities, say within a quarter of century, this country will be able to produce salt as good as we get from Cheshire but that requires time. You cannot have it done within three or four years. I submit my proposal is a modest one and hope the Council will accept it."

The Hon'ble MAULVI ABUL KASEM said :—

"Sir, I beg to support the resolution moved by my Hon'ble friend Babu Surendra Nath Ray, and in doing so I do not think that much argument is needed to convince this Council or the Government of the necessity of taking some steps to meet the present difficulties.

The Hon'ble Rai Debender Chunder Ghose Bahadur has said that this question has been brought in this Council because of the hat looting cases in Eastern Bengal. I think, however, that the feeling was very keen for some time past long before the hat looting cases took place, owing to the fact that the price of salt had gone so high that a large number of my countrymen in this Presidency were deprived of that very necessary article of food. Certainly, the hat looting cases have accentuated this feeling and I trust that Government will see their way to accept the resolution as it stands, or the first part of it and for the second part the amendment may be accepted. So far as I am concerned, I would prefer that arrangement. In any case, salt should be very cheap to a large number of people in this country, and whether in doing so, the State loses some portion of the revenue or not, is a question which cannot be considered at the present moment. It has been said that all on a sudden peace-loving people have turned into rioters and have committed loots in open markets; and this fact is a sufficient ground for taking some steps. In these days the poor cultivators of jute find that their commodities are not saleable in the market; on the other hand, the articles they want, cloth and salt, are sold at a very high price. Those who have been to some of these places where hats have been looted, have told us that those cultivators who had brought back their bags of rice and their packages of jute threw them into the market and looted salt and cloth shops. Therefore, it is apparent that the situation is very grave and the Government, I hope, will take necessary steps to alleviate the misery and suffering of the poor and will be pleased to accept this resolution."

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Babu Akhil Chandra Datta.

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"The history of salt industry in Bengal is the old but melancholy story of an important industry which we had but which has been extinguished. The abnormal rise in the price of salt and the manifold evils which have come in its train can however be no longer treated with indifference. The question has been raised whether an attempt should be made to revive the manufacture of salt in Bengal. The proposal—or rather the suggestion—emanated from the Government of India. What however is the attitude of the Government of Bengal? It is a matter of profound regret and disappointment that they have declared themselves opposed to it. They are not for reviving the industry. I propose to examine their grounds of objection here.

Now the most important objection is that salt could not be manufactured in Bengal except at a price which could be far higher than that at which it is imported or is manufactured elsewhere in India. This leads us to the question what would be the average price of salt if it were manufactured under existing circumstances? When the Government of Bengal expressed its considered opinion in reply to a suggestion of the Government of India, we had a right to expect that the opinion was based upon facts and figures ascertained upon due inquiry. But we have been seriously told in this Council chamber the other day that no calculations have been made by the Government as to the cost of manufacture and that even approximate figures could not be given. How could it possibly be said that the price would be far higher without knowing or ascertaining what that price would be? Was conclusion on a momentous question like this arrived at in such an irresponsible manner? Was it not their duty—duty to themselves, duty to the Government of India and duty to the people of the province—before submitting their report to calculate and ascertain as accurately as possible the cost of manufacture? How could they rush headlong into a conclusion without doing so much as to calculate the cost of manufacture? Are we to take it that the memorandum of the 5th April 1917 was based upon the intuitive knowledge of the official or officials who had the privilege of preparing it? The cost of manufacture here may be comparatively higher but do not the import duty and the cost of transit over thousands of miles from Liverpool and other places outweigh the higher cost of local manufacture?

Another ground of objection is that brine of good quality is not available. This position was challenged in an interpellation in which the Government was asked to state whether any inquiry was made as to the suitability of brine of Bengal. We were told in reply in the last meeting of the Council, 'suitable brine is said to be obtainable at Cox's Bazar and to the south.' So here is another point in which a sweeping observation was made without any reference to the actual state of things. Another difficulty suggested is that labour may not be readily available. This difficulty is as imaginary as the others already considered. India may be deficient in capital but it is preposterous to say that there is paucity of labour here.

All this naturally gave rise to a suspicion that the memorandum of the 5th April 1917 was submitted without any inquiry at all. But we did not like to condemn the Government unheard and on mere suspicion like the hundreds of youngmen whose liberty has been taken away under the Defence of India Act. And accordingly my Hon'ble friend Babu Brojendra Kishore Ray Chaudhuri gave the Government an opportunity to state whether any special inquiry had been made before the said memorandum was prepared. The reply only justified our suspicion, for we have been told that no special inquiry was necessary. So the memorandum was prepared without any inquiry. This explains the most unsatisfactory character of the facts stated, and the conclusions deduced in the said memorandum. The situation has in all conscience been very grave. The feeling in the country is that revival of the salt

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industry in Bengal will tend to reduce the price of salt. Was it not, therefore, only fair and proper, sir, to institute a careful inquiry before summarily rejecting the proposal? Not only was there no inquiry made before the preparation of the memorandum, but our earnest prayers made since then for a proper inquiry have been treated with supreme contempt. On the 18th December last the prayer was formulated in the shape of an interpellation which ran as follows: 'Are the Government considering the desirability of directing an inquiry into how far the manufacture of salt in Bengal may tend to reduce the prices in the local salt markets?' The answer was in the negative. Verily, my Lord, the people have right to cry, 'Strike but hear.' An attitude of such absolute defiance to the wishes and feelings and vital interests of the people can be taken up by the Government only in a country where it is not responsible to the people. The attitude would have been absolutely different if our ministers had to depend upon popular votes for continuance in power. Our suggestions in the Council are received with such scant courtesy that when my friend Babu Brojendra Kishore Ray Chaudhuri asked in the last meeting of the Council, whether the Government were considering the desirability of making an inquiry as to the particular facilities for the manufacture of salt on the Chittagong side, no reply was vouchsafed to the question. The Hon'ble Mr. Donald did not condescend to give any answer to that question at all. Such is our vaunted right of interpellation. This is not an isolated instance. This is the ordinary fate of our interpellations. Sometimes they are rejected on grounds very difficult to appreciate, sometimes they are not answered even if admitted, and if they are answered, the answers typically illustrate the magnificent power of words in concealing thoughts.

All the objections urged in the said memorandum apply *admittedly* to a scheme for manufacture on a large scale. The question of manufacture on a small scale for home consumption or for satisfying the local needs has not been at all considered. Even the memorandum does not go so far as to state, or to suggest that manufacture on a small scale is hampered by paucity of brine and fuel. Not to speak of the pre-British days, even in the early sixties of the last century a large quantity of salt used to be manufactured in the seaboard areas in Sitakundu, Kumuria, Kattoly, Alishahar, Bandar, Mathubari, Chakaria, Cox Bazar, in the islands of Kutubdia and Maheskhali in Chittagong district also in Hatia, Sandwip and other neighbouring places.

The descendants of the manufacturers of salt, who are still known as Moulangis, on the Chittagong side, have not yet forgotten the old indigenous methods of making salt. Though the Government do not allow manufacture in the lawful way, the contraband salt is still being manufactured on a scale which cannot be considered negligible. The following are the indigenous methods used in making salt in Chittagong:—

1. The scraping of the earth of the sea-beach, mixing it with water, filtering the solution and then boiling. This process yields, I am told, in the month of March and April half a seer of salt from one seer of earth.

2. The *Nuna* plants growing wild near about the seashore are kept immersed for a number of days in sea water and then taken out, dried in the sun and then burnt. The ashes are mixed with water and then by percolation and boiling the salt is obtained. In this case, the yield is, I am told, about half the quantity of the ashes.

3. The boiling of the seawater. But this process is less profitable than the above mentioned two.

It is not disputed that the manufacture of salt in Bengal was profitable before. Now the question is why it has now become unprofitable? Has not the operation of the Salt Acts of 1864 and 1882 contributed to this increased cost of manufacture? At all events, is not the fiscal system introduced by the said Acts one of the chief contributory causes? Salt is a primary necessary of life and should be as free as the air we breathe and the water

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we drink. But the Government wanted to raise a large revenue on salt and inaugurated a system of excise which sounded the death-knell of the industry in Bengal. Why was duty imposed indiscriminately on salt both imported from abroad and manufactured at home? Why no discrimination was made between salt manufactured on a large scale for commercial purposes and salt prepared by poor people for their home consumption? To raise the cost of manufacture by a system of excise and then to condemn it as expensive is to give the dog a bad name only to hang it. Abolish the duty and the people will certainly find it profitable to prepare salt for their home consumption. This is not a matter for speculation. Have we not had as many as 451 cases of offences committed against the Salt Act of 1882 in 1916-17? Have we not had in 1916-17 as many as 328 cases in which persons preparing salt were hauled up in the criminal Courts? Have we not had conviction in as many as 284 cases in one single year? Have not our people contributed in 1916-17 Rs. 1,656-4 to the public exchequer in the shape of fines for preparation of salt? Are not offences against the salt laws steadily on the increase? There is certainly a grim humour in the observation which we find in the Administration Report of 1916-17 that the number of cases detected in the 24-Parganas would probably have been much larger had not the preventive work been seriously hampered by the absence of the departmental launches and boats during the earlier part of the year. What is the moral loudly proclaimed by the record of prosecutions for manufacturing salt against the provisions of the salt laws? Need I point out that the people do find it cheaper to manufacture salt for their own consumption than to purchase it in the bazar. The very fact that such a large number of people who are otherwise law-abiding and docile do prepare salt even at the risk of criminal prosecution, goes conclusively to show that they do so because they find it cheaper. Instead of helping and encouraging them the Government have got a large establishment maintained at the rate-payers' cost only to persecute and to prosecute them. Now imagine the position of a poor man in Cox's Bazar. He is too poor to purchase salt at the bazar, but vast repositories of salt lie before him and behind him and beside him. But such is the Tariff wall built up by the Government between him and those repositories that he cannot get at them lawfully. But necessity knows no law and if under the pressure of necessity the poor man stretches his hand to seize the salt, the salt daroga at once stands up like the frankenskin of old and manages to lodge him into a place where he has neither to purchase nor manufacture salt for his own consumption, but where he has salt provided for him at the cost of the Government. Like the ancient mariner of Coleridge, he has salt water, salt water everywhere but not a drop for making salt.

Let us however consider another aspect of the matter. The salt water and the salt earth are lying there in vast quantity unused and unutilised without serving any purpose whatsoever. The poor people can draw any quantity of sea water and scrape out any amount of earth from the sea-beach as they like and commit any kind of waste with impunity. But as soon as an attempt is made to turn them to their use, down comes the Damocles sword over their head. It is said that manufacture is prohibited because in some cases the people manage to escape the duty. The position is, therefore, this, as the salt water and salt earth do not yield a full revenue to the Government, why let them remain absolutely unused? In other words, why should it be of any use to the people if it is of no use to the Government? The Government might of course think like this. So far as we are concerned they are not, as a matter of fact, yielding any revenue, why then deprive the people of the Nature's bounty? But that is a line of argument which never commends itself to the Government.

The salt problem is not merely an economic one. It has another very important aspect. The history of salt duty in this country has shown

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beyond doubt that the consumption varies inversely with the rise of price. The consumption is not even 10 lbs. per head, whereas according to medical opinion 20 lbs. per head is the minimum necessary for healthful existence. So the result of rise in price will inevitably be disastrous to the health of the people. I do not know whether the prospect of the health of millions of our people being undermined in this way at all appeals to the Government. I do not know whether the overwhelming importance of this aspect of the question has ever received that anxious consideration which the rulers of the country are in all conscience bound to bestow on it.

But the problem is not merely economical and hygeological, but has of late become political to boot. The abnormal rise in price has driven the people to desperation and the result is the looting of hâts. The rioters are of course the worst enemies of the society and the State and they must be hunted down. But is that all that we have got to do? Is the prosecution of the looters all that the situation demands? Appetite for food is the most primary and imperative of all our impulses and no sane man should expect that hunger-striken people starving with their children will contemplate over the vices of theft and will refrain from touching food which they find in abundance in a neighbour's house. The same thing is more or less true with respect to salt. I am not here to justify or extenuate the looting of hâts. But this I do say that the responsibility is not all theirs. It has to be apportioned between the looters and those who have created the situation for them. Who, after all, are ultimately responsible for this state of things? I do not know what the orthodox official view is, but this I know that while the rising price of salt is pressing heavily on our people, the Government revenue on salt is steadily on the increase. In 1916-17 the net revenue was Rs. 30,70,723, which was greater than that of the previous year by Rs. 10,20,738, *i.e.*, 8·4 per cent.

So the adversity of the people is quite synchronous with the prosperity of the Government. Such is the irony of fate that the sufferings of the people go on simultaneously with surpluses in the public exchequer. What wonder then that with this growing revenue the Government should maintain a department for the detection of offences against salt law and should be in a position to give fat fees to the advocates prosecuting the hât-looters before the special tribunals.

The Commissioner of Excise and Salt, in submitting his report of the year 1916-17, observes with remarkable accuracy that 'the report deals with the preventive operations in the saliferous districts of the Presidency and with the importation and issue of salt under the control of the Customs authorities.' That is all the vaunted administration of the Salt Department in a Province which was in pre-British days self-contained regarding the supply of salt.

In 1888 Lord Cross, the then Secretary of State for India, said : 'The policy enunciated by the Government in 1877 was to give to the people throughout India the means of obtaining unlimited supply of salt at a very cheap rate.'

Two years later, Sir John Gorst, on his speech on the Indian Budget in the House of Commons, remarked : 'The tax on salt was no doubt a tax which ought to be removed and would be removed as soon as it would be financially possible to do so.' Lord Morley's (then Mr. Morley's) pronouncement on salt tax in 1906 encouraged the hope that the time was not distant when the tax might be done away with altogether. After all this declaration, is it too much to expect that the salt manufacture by poor people for home consumption will be made free from duty?

One word to the non-official European benches. The salt duty in India is essentially a poor man's question, for they eat more salt when it is cheap and less when it is dear. It has recently been said with a good deal of insistence and vehemence that the educated classes do not represent the masses of the country and they are the special trust of the Anglo-Indian

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community "—[Here the bell rang as the Hon'ble Member had exceeded his time limit and the Hon'ble Member resumed his seat.]

The Hon'ble MR. CARTER said :—

"I wish to oppose the resolution which has been brought forward by the Hon'ble Babu Surendra Nath Ray, under headings (*i*) and (*ii*) and the amendment by the Hon'ble Rai Debender Chunder Ghose Bahadur.

I would like to say first of all that I have been connected with salt, and my firm has been connected with the salt trade for a great number of years, and therefore I can speak with a certain amount of knowledge and confidence.

Owing to the formation of the littoral of Bengal, consisting as it does of vast mud flats caused by the great flood of fresh water from the Ganges delta, the influence of which is felt many miles at sea, it is well known to the salt trade that it is impossible to manufacture salt on a commercial scale, as is done in the Madras and Bombay Presidencies.

Salt can be manufactured in certain places in limited quantities only, but the process is very laborious owing to the weakness of the brine. Salt manufacture was carried on in Orissa when it was attached to Bengal for a great number of years. I believe that the British Government took over the manufacture of salt in 1804. Previous to that date it was in the hands of Rajas and other zemindars. The last Salt Factories in Orissa were closed in March 1902 as it was found that the climate was not suitable owing to the severe thunderstorms which visited that Province, and also the opening of the East Coast Railway afforded facilities for the import of Ganjam salt into Orissa and allowed of salt being sent down from Calcutta; and although the price of Government salt in Orissa was reduced to ½ anna a maund, there was found to be no sale for it owing to its poorness of quality. In the report on the 'Bengal Salt Trade' for 1901-02, it is stated that the further manufacture of salt was considered by Government during the year, and finally held to be impracticable.

I need hardly say that at the present time it seems to me to be folly for Government to waste money in an attempt to revive an industry which could not live against imports from the Red Sea and those parts of the Provinces of India where salt can be manufactured to advantage.

The second resolution put forward by the Hon'ble Babu Surendra Nath Ray is to allow the salt manufactured by people for their own consumption to be free from duty. It is repeatedly put forward that the salt tax bears hardly on the masses; but as the consumption per head is estimated to be 12 lbs. per annum, the duty on which at its present rate of Re. 1-4 per maund amounts to 3 annas per head per annum only, it can hardly be considered excessive, particularly as this is the only tax which millions pay towards the revenue. It would be obviously unfair to allow a favoured few to manufacture salt for their own consumption free of a tax which the other millions of India have to pay.

There has been considerable agitation lately against the high price of salt ruling in Bengal. The price of Red Sea salt at the present moment can be taken roughly at Rs. 239 per 100 maunds *plus* the tax of Rs. 125 per 100 maunds equals Rs. 364.

For very many years the duty was at the rate of Rs. 250 per 100 maunds and taking the price of salt at that time at an average of Rs. 60, the price works out at Rs. 310 per 100 maunds, or a difference of Rs. 54 per 100 maunds, which means that the consumer now has to pay 1 anna 3 pies per maund per annum more than he did fifteen years ago, and this in spite of the vast increase in the cost of production and freight.

For the above reasons I wish to oppose the resolution."

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Mr. Provash Chunder Mitter.

The Hon'ble Mr. Provash Chunder Mitter said :—

"Sir, the resolution is divisible into two parts and then there is an amendment to it proposed by the Hon'ble Rai Debender Chunder Ghose Bahadur. I am very strongly in favour of clause (i) of the resolution moved by my friend, the Hon'ble Babu Surendra Nath Ray, but I am sorry to oppose the second part of the resolution and the amendment of the Hon'ble Rai Debender Chunder Ghose Bahadur.

As regards the consumption of salt in Bengal certain figures may be helpful. The total consumption of salt in Bengal is about 70 lakhs of maunds. and out of this, 24 lakhs are imported from Great Britain—I am speaking from the statistics as published in the latest Government Reports—the remaining 46 lakhs of maunds are imported from Masoa, Spain and Port Said—the last mentioned place being mainly the distributing centre of Red Sea salt. Therefore, so far as any question of conflict of the interests of Great Britain and the interests of India are concerned, that is only with regard to the 24 lakhs of maunds ; there is no such conflict with regard to the 46 lakhs of maunds of salt. Now, as regards the 24 lakhs, we may remember that salt is imported in bulk as ballast in ships and practically free from freight. So long as such conditions prevailed as enabled salt to be imported practically freight-free, there was not perhaps much difficulty ; but under the present state of difficulties of tonnage conditions have changed and perhaps even some time after the hostilities are over, we may not have the same facilities of tonnage as we had in pre-war days. In the meantime, the question has become very acute for the people of the country, as also for the Government and for all classes who are interested in the well-being of the people and the Government.

Now, Sir, it has been said that Bengal is not suitable for the manufacture of salt, and for that reason it has been suggested that it is not right that Government should risk its money for the manufacture of salt. I agree, for the sake of argument, that there may be much in favour of such statements. After all the Government must be guided by the advice of its experts. But, Sir, is that any reason why permission should not be granted to private manufacturers to manufacture salt ? It is their own look-out whether the climate of Bengal is good enough to carry on salt manufactories at a profit, and if that is so, is there any justification for preventing private manufacturers from manufacturing salt ? Well, there is no doubt that the climate of Bengal is damp, and that salt can be better manufactured in a dry climate. There is no doubt also that the sea-board of Bengal is more or less intersected by big rivers. But these difficulties have all along existed, and in spite of them, Bengal used to manufacture her own salt. If that be so, and if the Government does not feel justified in starting salt manufactories of its own, the least the Government could do, in order to remove the impression which exists and which is doing as much mischief to the Government as to the people, is to let the people, who wish to try the experiment, to do so for themselves. If they burn their fingers and find out to their own cost that they cannot manufacture salt in competition with foreign salt, then Government will have everything to gain and nothing to lose by according such permission. It is no good preaching about the difficulties of salt manufacture. The best thing is to let the people try and learn for themselves—for there is no school like the school of experience. Therefore, with regard to clause (i) of my Hon'ble friend's resolution, my suggestions are that private firms or private individuals be allowed to manufacture salt. Of course, they must pay the necessary duty and perhaps some amount of license fee. So far as I have been able to investigate into this matter, I do think that under present conditions the Government will be able to manufacture salt profitably ; but that is a matter which I would leave to Government and to its expert advisers.

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As regards the second portion of the resolution, I am sorry I have to oppose it, and I oppose it on three grounds. First of all, if the people are allowed to manufacture salt for their own consumption it will lead to a good deal of friction between the subordinate officials of the Salt Department and local people and the benefit, perhaps, will be a questionable one. It will be difficult for the superior officers of the Salt Department and the Government to remedy acts of oppression, real or fancied. My second point is this: How will the loss of revenue be compensated for? It is no good saying that Government will bear a loss of revenue; but there is such a thing as the Budget with which most of my friends are familiar. Even if it means a loss of revenue of two lakhs, how is that loss going to be met? From what other department is the curtailment to be made? Now, the third reason is that it is perfectly well known that the population of the seaboard of Bengal is very small; out of a total of 45 millions, perhaps at the highest, the population of the seaboard of Bengal is not more than quarter of a million. If you let these people to manufacture salt for their own use, you benefit a few; but you leave the door open for illicit manufacture. Therefore, both on grounds of loss of revenue and on grounds of differential treatment, I am opposed to the second branch of my friend's resolution.

As regards the amendment of the Hon'ble Rai Debender Chunder Ghosh Bahadur, I am sorry that, after giving it my best consideration, I have to oppose it. My first reason is that free manufacture of salt in Bengal will not be of any the slightest benefit to the consumer. Taking the total consumption of salt in Bengal to be 70 lakhs of maunds, if you allow free manufacture from to-morrow not only duty free but with a subsidy of say one pice to the maund, even then, I take it, during the next three or four years they will not be able to manufacture say more than 8 or 10 lakhs of maunds. If that be so, will the manufacturers be selling at a price lower than the market price of salt? Well, my answer is an emphatic 'no'. Who then will benefit by this manufacture? The consumers will not be benefited but the manufacturers will benefit to the detriment of the revenue to the State. The second reason why I oppose that amendment is that although my Hon'ble friend has suggested free manufacture of salt in Bengal, what about the competition with the rest of India? There are no high tariff walls round Bengal. Supposing that 8 or 10 lakhs of maunds of salt are manufactured in Bengal, the market price of salt being subject to the market conditions of the whole of India, the manufacture of salt free of duty will not benefit the consumer because the manufacturer will sell at the prevailing market rate.

The third ground is what I have already dealt with, namely, the question of loss of revenue. That being the position, I submit—and submit with some amount of confidence—that Government will be pleased to consider the matter very carefully and should, at any rate, allow private manufacturers a chance to realise whether the theory of Government experts is correct or not. If that chance is not given in these days when every act of Government is looked upon with suspicion and when there are people who see fit to ascribe all sorts of motives to acts of Government, where no such motives really exist, the Government will be doing a highly impolitic thing. It will enable mischievous people to carry on an agitation by ascribing improper motives to Government."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

" Sir, much of what I wanted to say has already been referred to by the previous speakers and I do not think I need repeat what they have said. I belong to one of the most important districts which is on the sea and I have got a right to say something on the questions that have been raised by the resolution and the proposed amendment. My own idea is that the best thing to do would be to make the salt duty free for all people and for all time. That would be the ideal state of things and I want to go much further than the

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Maulvi A. K. Fazl-ul-Haq; Khan Sahib Aman Ali; Mr. Donald.

Hon'ble Babu Surendra Nath Ray and the mover of the amendment, the Hon'ble Rai Debender Chunder Ghose Bahadur. The question that has been raised is not due to the consideration of a state of things brought about by the war, but it is a very large economical question which has been engaging the attention of public men in India for several years. I think that in order to arrive at a satisfactory solution, Government must be prepared to make any sacrifice that will be necessary. My Hon'ble friend Mr. Provash Chunder Mitter has referred to the difficulties with which we would be faced were we to ask Government to make a sacrifice in the revenue, and he has put the question to the Hon'ble Babu Surendra Nath Ray as to what he is going to suggest to Government in order to make up for the loss of revenue which would result in making salt duty free at least for some years. It may be that if that course is adopted there will be a deficit of a few lakhs of rupees, and if any suggestion were needed, I would suggest that the deficit can be made up by reducing the expenditure on one department and abolishing at least two departments. I need not specify what departments I mean. Most of the Hon'ble Members will be able to guess to what departments I am referring. Surely the way in which a question like this is to be met is by considering the comparative importance of either refusing relief to the people not by adopting the course suggested, or by granting the reasonable prayer of the people at the cost of a little sacrifice. If the advantage that is gained counterbalances the small deficit in the revenue, I for one would earnestly request Government to take the course which offers a satisfactory solution of a very knotty problem which has been engaging the attention not of the educated few but in this case at least of the mass of people. It is always said, whenever any of these economical problems are discussed in public platforms, that it is the professional agitator, and he and he alone who makes any complaint. But so far as this matter is concerned, the question affects the people who have taken up not merely arguments but cudgels and lathis in order to make others understand how they feel over this matter. I think, Sir, the situation is serious and I earnestly support the resolution of my Hon'ble friend Babu Surendra Nath Ray."

The Hon'ble KHAN SAHIB AMAN ALI said :—

"Sir, I come from Chittagong and my home is very near the sea which is full of salt water and the people in my part of the country used to manufacture salt before. They know how to manufacture salt and some of them have told me that if they are allowed to manufacture it, they will be able to sell salt at one anna per seer. If an opportunity is given to them, they will be greatly benefited thereby. With these words I support the resolution."

The Hon'ble MR. DONALD said :—

"Sir, the Hon'ble Members who have spoken on these resolutions have not, I think, fully appreciated the conditions which led to the high prices that prevailed a short time ago and to the loot of bazars and hâts. Before proceeding to deal with the actual issue raised in the Hon'ble Member's resolution, it will be convenient if I give the Council a brief account of the situation as regards salt, the circumstances which led to the large increase in price a short time ago, and the present position.

I do not know how far Hon'ble Members have studied the quarterly reports published on the state of the salt market which give statistics of imports, clearances and stocks, but a perusal of the last report, issued on the 30th November, 1917, for the quarter ending the 30th September last, would have shown that on the latter date the stocks were considerably lower than they had been at the close of the previous quarter. The fall was temporary, but although there was no fear that ample stocks would be forthcoming, an idea that there might be a shortage seemed to have seized the minds of certain merchants in Calcutta, and the demand was so considerable that prices rose rapidly from the middle of October, culminating in a very high figure on the

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26th November. It is to this speculation that the high retail prices that prevailed throughout the Province, and led in part to the loots in hâts and bazars, are due. As to stocks there was a feared shortage in Chittagong, but Government took very early measures to meet the situation. Difficulties of tonnage to this port had affected the position and it became necessary to send salt from Calcutta to replenish the stocks there. This probably accounted in part for the anticipations of a shortage in Calcutta. However, the former position has again been restored, the fall that occurred has been made good, and the stocks on the 31st December were over the figure of the 30th June. Large shipments are expected in the coming months. An ample supply is already assured to cover the requirements of Bengal and the neighbouring Provinces, which are dependent on Bengal for their supplies, and Government are making further arrangements which will ensure that these supplies are maintained, both at Calcutta and at Chittagong. I have alluded to the rise in price that followed on an anticipation of shortage in November last, and it will interest the Council if I mention what actually happened.

On the 3rd November the price of salt in the import market was Rs. 302. It rose to Rs. 321 by the 8th November, to Rs. 431 on the 19th, Rs. 451 on the 20th, and eventually reached Rs. 501 on the 26th of that month. It went up no further but dropped on the 1st December to Rs. 350. It has since then gradually fallen and at the present time is Rs. 240. I might also mention that while imported salt was sold at Rs. 350 on the 1st December and thereafter no business was done till the 17th December, when small quantities were sold at Rs. 300, yet on the 6th December Madras salt was offered at Rs. 200 and could find no purchasers.

The Hon'ble Member has quoted the wholesale prices per maund of imported salt. But he is not quite accurate in his figures. The highest price was reached in the last week of November, and was as much as Rs. 6-7. On the 1st December it fell to under Rs. 6, and at the present day it is Rs. 3-14. The retail price in Calcutta of imported salt rose to three annas, but is now two annas per seer. In the mofussil it averages a little over this figure. Both these rates—wholesale and retail—followed the sale price in the import market, and it was almost solely due to the speculation in Calcutta that the prices rose in the mufassal and led to the looting of hâts and bazars. Government made enquiries as to how far profiteering was prevalent in the mufassal; and the reports are practically unanimous that the Calcutta wholesale dealer was responsible and that there was no speculation amongst the retailers.

The present price of imported salt is now more in accord with conditions arising out of increased freight charges. As this price is very high for the poorer classes of consumer the remedy of local manufacture is put forward. Reference has been made to the memorandum published in the proceedings of the Imperial Legislative Council as regards the possibilities of local manufacture in Bengal. This memorandum was prepared by this Government with the assistance of officers who had full knowledge of the subject, but as all Hon'ble Members may not have seen it I shall briefly explain the position.

There are three possible methods of salt manufacture :—

First, Panga under which salt is educed by process of boiling from brine which has been obtained by filteration from salt earth.

Secondly, the Karkatch system under which salt is obtained from brine by means of solar evaporation, the brine being sea water or brackish water such as that found in the Chilka Lake.

There is also the Vacuum process, which need not be considered here, as it involves the establishment of a huge plant.

Previous to 1863 the Bengal Government carried on a system of direct manufacture, both by the panga and karkatch methods. But the system had

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to be abandoned owing to the competition of Liverpool salt which undersold it. In 1865 manufacture was resumed under private enterprise under both methods, the karkatch system being confined to the neighbourhood of the Chilka Lake. In the beginning of the eighties salt from Ganjam came into competition, and soon after this it became apparent that manufacture according to the panga method could not be carried on with due regard to the interest of the revenue. Production by this method is costly, cheap fuel is an essential necessity, and with the clearance of jungles and the cultivation of jungle sites, the facilities for manufacture rapidly disappeared. It soon became evident from the high cost of production that it was not possible to carry on panga manufacture at a legitimate profit without recourse to illicit practices, and it was therefore finally decided in 1887 to prohibit in future manufacture according to this method. Panga manufacture is still more impossible to-day. There are no longer extensive saline deposits as in the olden days to which the Hon'ble Member refers when vast swamps were reserved for the industry by landlords. I shall presently refer to this in connection with certain applications for manufacture that have been received.

Manufacture according to the karkatch method was continued at the Chilka Lake, but this had eventually to give way to Ganjam salt. The climatic conditions of Ganjam were far more favourable to salt manufacture and better and cheaper salt could be produced in that area. As the Hon'ble Mr. Carter has already mentioned, the opening of the East Coast Railway brought the two into competition and eventually it was found unprofitable to continue the manufacture at Chilka. A similar fate befell three factories which had been opened by Government in Orissa; nowhere north of this has the karkatch system been continued. The question of resuming manufacture has been considered on more than one occasion, but on all the grounds mentioned it was held to be impracticable. Conditions in Bengal are even worse than they were at the Chilka Lake. The Chilka Lake itself was even below the density of ordinary sea water. But the sea water at the north of the Bay is largely charged with silt, while it is weak in brine owing to the large influx of fresh water from the numerous rivers. The climatic conditions too are unfavourable—the thunderstorms in March and April would repeatedly retard production and also destroy salt in the process of manufacture.

These are difficulties, but notwithstanding them, Government are prepared to give favourable consideration to any scheme which may be put forward for the manufacture of salt under conditions which will ensure the necessary supervision and safeguard the revenue. The Hon'ble Babu S. N. Ray refers to a statement that the people of Chittagong could very well manufacture and sell salt at 2 or 3 pice per seer, and, if the present restraint were discontinued, could compete with the imported salt. Other members have also commented on the possibilities of manufacture in Chittagong. Now we have had applications for permission to manufacture salt in Chittagong. In the beginning of December Government received applications to manufacture locally from certain merchants in Chittagong. One of them stated that he had resources enough to manufacture salt on a large scale. The Excise Commissioner was recalled from tour and sent down to Chittagong to see the applicants, find out exactly what they proposed to do, and assist them in working out their proposals. Mr. Moberly found that the applicants had very vague ideas as to how they wished to proceed; they had worked out inadequate proposals and not even made any preliminary enquiries as to whether the venture, which was to be on a permanent footing, would be profitable or otherwise. One of the applicants intended to collect salt earth, but he had never seen the soils on which he intended to operate and their extent. The advice and assistance of the Salt Department were placed at their disposal and in the light of the information given they have been considering whether they would proceed. We are still awaiting their decision.

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Their difficulty may be realised when I read the following extracts from a report, received only yesterday, from the Superintendent of Salt in Chittagong, who was instructed to assist them. I may mention that the Superintendent of Salt, Chittagong, placed his launch at the disposal of the petitioners, and the best saline soils in the district were visited by them. The Superintendent had also shown them the saline survey registers of the district (prepared roughly about ten years ago) and pointed out to them the vast changes (in the disappearance of salinity from many areas) which had occurred in recent years. The entries in the registers themselves gave no hope of areas large enough for that purpose. This is what the report says :—

'We found the vast plain, on which he (the applicant) relied, was overgrown with grass. Residents said a little saline would efflorese in *Choit* if the rain held off. Small patches of saline sand were pointed out at the margin of the sea, too small to deserve mention. It was admitted that this sand did not yield even 10 per cent. of its weight of salt when filtered. He was convinced that the site was worthless.'

This is rather different from the 50 per cent. quoted by the Hon'ble Babu Akhil Chandra Datta.

'Again on the 29th December, I accompanied two of the applicants to Kutubdia Island and on the 30th to the sea-face of Khankhanabad and showed them what soils there were. The western shore of Kutubdia Island has a belt of saline sand on the margin of the sea about 5 yards wide and extending the full length of the island at intervals. The sand gets its salinity from the spring tides—not from sub-soil brine. A square yard of this sand was collected by them. They admitted that it did not yield even 10 per cent. of its weight of salt. I pointed out to them that this sand could only be scraped about twice a month for about three days at a time. They then proceeded to inspect the saline soils mentioned in the survey registers as lying along the Pilotkata Khal. These were found to have lost their salinity. No fuel was found anywhere *in situ*.'

'The next day the soils near Khankhanabad were inspected. These were also patches of saline sand, very poor in quantity. The applicants at once saw that the locality was hopeless for their purpose and expressed a wish to examine the soils at Gohira during the neap tides on 7th January before coming to a decision.'

'On the 7th January 1918 I accompanied one of the applicants and inspected the coast between the mouth of the rivers Karnafuli and Sanko, a distance of about 8 miles. An almost continuous belt of saline sand averaging 5 yards in width was found to contain very extensive scrapings, but the only area containing salt earth was a small patch near Gobadia village on the Karnafuli left bank which we visited on our return. The applicant took samples of both the sand and of the earth and promised to let me have his decision on the 15th instant positively, but I have received no communication from him till now.'

'The deposits of salt earth, which would afford a perennial source of the raw material required for manufacture, are almost entirely absent. Along the extensive coast line is found a narrow stretch of what may be termed saliferous sand. The spring tides impregnate patches of sand of slightly lower level than the margin of the sea with salt. The quantity of salt in this thin cake of sand may be roughly stated to be about 10 per cent. of its weight.'

These extracts show that Chittagong seems hardly so pre-eminently fitted for the manufacture of salt as the Hon'ble Member's informant would submit, and that panga manufacture on the old lines is out of the question. But, as I have said, if the applicants will put forward a workable scheme, Government will consider it favourably.

The Hon'ble mover would go further. He asks that we should allow the salt manufactured by the people for their own consumption

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Babu Surendra Nath Ray.

from duty. I am afraid we cannot agree to this. It must be remembered that salt is one of the items of taxation. and so long as it is a dutiable article. it is impossible to relieve any particular section of the community to the exclusion of the others. Manufacture for local consumption will be possible only in certain localities—those bordering on the sea—but if the people in these places are not required to pay the salt tax, why, as the Hon'ble Rai Debender Chunder Ghose Bahadur has remarked, should those in, say, Northern Bengal not be exempted, and why not the peoples of Bombay, Madras and the Punjab, in which provinces there is a considerable production of salt? As long as the salt tax subsists as an item of taxation, preferential treatment cannot be accorded to any particular province or locality. And again general freedom to manufacture is open to the objection that the concession would certainly be abused—illicit practices would soon prevail—illicit manufacture for sale, illicit sales and the like. Government cannot, on these grounds, agree to any proposal to permit manufacture duty free. In one direction, however, a slight relaxation of the existing instructions has been made. Under old orders Magistrates were enjoined to exercise discretion in the prosecution of poor persons for first offences in the manufacture of salt for domestic consumption. Government have gone a little further and some time ago directions were issued to the salt preventive establishment to ignore for the time being manufacture on a small scale for personal and domestic consumption only. But we cannot, for the reasons I have mentioned, agree to the adoption of a general policy on the lines suggested.

Government will then, as I have said, give favourable consideration to any workable proposals to manufacture salt that may be submitted, and are assisting would be manufacturers in working out their proposals. It is impossible for us, however, to accept the policy outlined in the resolution in the second part of the amendment. We have gone some way already to meet the case of the very few. Government are in the closest touch with the situation and they are doing all in their power to prevent the recurrence of conditions which led to the looting that has taken place. The position is to-day, as the Hon'ble Member himself has shown, far better than it was two months ago: prices have dropped, salt stocks are better and ample supplies are assured, and I may add that Government are giving serious consideration to the question of regulating prices and other measures for preventing speculative operations. In the light of these observations, the Hon'ble Members will probably be willing to withdraw the resolution and the amendment. But I would again repeat that we cannot accept a proposal that would allow general manufacture of salt without payment of duty."

The Hon'ble BABU SURENDRA NATH RAY said:—

"Sir, in fact what I had to say in reply to the Hon'ble Mr. Carter's speech has been said by my Hon'ble friend Mr. Provash Chunder Mitter, who has told you why Government ought to encourage the manufacture of salt—that is the first part of my resolution—but whether the manufacture of salt will be profitable to the people or not is no concern of Government. What the Government ought to do and what I also said in my opening speech is, let not Government interfere with the private parties manufacturing their own salt. On the other hand, it is the duty of Government at a juncture like this to encourage the manufacture of salt. We want salt for our own use; we do not want to make salt for profiteering. Sir, the Hon'ble Mr. Carter has said that salt duty is the only tax which the millions of people of India pay to the Imperial Exchequer. That has been the argument not only of Mr. Carter to-day in this Council but that also was the argument of officials in the Imperial Council when this question was discussed in the year 1905 and again in the year 1907. They said that it is the only tax which the millions of people of India pay and that they pay no other taxes. I can only say this that the millions of the people of India pay the land tax and the land tax in India is a very large amount of Government revenue. Every agriculturist has

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Mr. Donald; Babu Surendra Nath Ray; Dr. Deba Prasad Sarbadhikari; The President.

to pay for the land he tills to the landlord whether the landlord be zamindar or the Government, so that it is not a fact that the salt tax is the only tax which is paid by the millions of India. My Hon'ble friend Mr. Provash Chunder Mitter has asked how the loss of revenue was to be recouped. At a critical time like this Government must be prepared to make some sacrifice, and as a matter of fact my resolution is a very modest one. It is only this, that to those who will manufacture salt for their own use, it may be duty-free. The loss to Government won't come up to a very large amount after all. Both the Hon'ble Mr. Carter and Mr. Donald said that the conditions have changed and that there is now much fresh water in the mouth of the Bay of Bengal and that we do not find patches of earth full of saline water now. All I can say is that it is news to me that within the last 30 or 40 years the water of the Bay of Bengal has lost its saline character. At one time salt used to be manufactured in very large quantities in Hijli in Midnapore. I have quoted a passage from Mr. O'Malley's book which shows that in the year 1776 Mr. Grant reported that 850,000 maunds of salt used to be manufactured in that subdivision of the Midnapore district alone, but we hear now that channels have been cut and there is much fresh water there. I really cannot understand why we cannot manufacture salt now so as to make it profitable and paying to the poor people. I am very much thankful and the country will feel thankful to the Hon'ble Mr. Donald for the statement that he has made in this Council that Government has already been trying to assist one gentleman of Chittagong who is going to manufacture salt."

The Hon'ble MR. DONALD said :—

"Three or four gentlemen."

The Hon'ble BABU SURENDRA NATH RAY continued—

"This, I say, is a move in the right direction. It is necessary that Government should give publicity and a wider publicity to all that Government intend to do in this matter. I also understand from what the Hon'ble Mr. Donald said that there has been some order by Government not to prosecute those who will manufacture salt for their own domestic use. That is exactly what I wanted, that poor people may be allowed to manufacture salt for their own use and that they may not be prosecuted for it. I did not want anything more. My resolution does not go so far as my Hon'ble friend Rai Debender Chunder Ghose Bahadur's. I want to say that this is a time when Government ought to do all that they possibly can to help the poor people and to give publicity to all their intentions with reference to them. I should like to make one request, and that is that Government should give as wide a publicity as they can to the order that Government will not prosecute those who will manufacture salt for their own use. We are very much thankful to Government for their statement to-day in Council."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"Sir, will not the resolution be divided into two parts? There are really two resolutions."

The Hon'ble BABU SURENDRA NATH RAY said :—

"I will ask that the two parts of the resolution may be put separately."

The PRESIDENT said :—

"Yes, it can be done under rule 22."

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Rai Mahendra Chandra Mitra Bahadur.

Clause (*i*) of the resolution was then put and agreed to. Clause (*ii*) of the resolution being put, a division was taken with the following result :—

Ayes—14.

The Hon'ble Dr. Nilratan Sarkar.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " Maulvi Abul Kasem.
" " " A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " " Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " " Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.
" " Babu Kishori Mohan Chaudhuri.

Noes—20.

The Hon'ble Mr. J. G. Cumming, C.S.I., C.I.E.
" " " C. J. Stevenson-Moore, C.V.O.
" " " J. H. Kerr, C.S.I., C.I.E.
" " " J. Donald, C.I.E.
" " " L. S. S. O'Malley.
" " " F. A. A. Cowley.
" " Lt.-Colonel W. J. Buchanan, C.I.E., I.M.S.
" " Mr. C. H. Bompas.
" " " W. C. Wordsworth.
" " " C. F. Payne.
" " " E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. J. Mackenzie.
" " " W. H. H. Arden-Wood, C.I.E.
" " " R. Glen.
" " Rev. Dr. G. Howells.
" " Mr. F. W. Carter, C.I.E.
" " Sir A. Birkmyre, Kt.
" " Mr. E. B. Eden.
" " " H. R. A. Irwin.

The following member abstained from voting :—

The Hon'ble Mr. Provash Chunder Mitter.

The following members were absent :—

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. T. C. P. Gibbons, K.C.
" " The Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. Aminur Rahman.
" " Raja Hrishikesh Laha, C.I.E.
" " The Maharajadhiraja Bahadur of Burdwan.
" " Kumar Shib Shekhareswar Ray.
" " Mr. Arun Chandra Singha.
" " Rai Radha Charan Pal Bahadur.
" " Mr. E. A. Martin.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " " Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Ambika Charan Mazumdar.

The *Ayes* being 14 and the *Noes* 20, the motion was lost.

List of Business—Item No. 17.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that arrangements be made for the cash sale of publications of the Government of Bengal at the Secretariat Book Depôt, Calcutta.

He said :—

" Sir, I do not wish to burden the Council with too many details, as the resolution speaks for itself. The exact position may be realized, if I could mention one or two facts in this connection.

Formerly all Government publications were available at the Bengal Secretariat Book Depôt. The customer had to go to the depôt and apply for the book he wanted. A chit was given to him with which he had to go to

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Rai Debender Chunder Ghose Bahadur; Mr. Donald.

another office at the other end of the same building to deposit money there and bring a receipt, on production of which the book was delivered to him. This, of course, meant a little delay, but the remedy has been worse than the disease. Now, in most cases, the agents for the sale of Government publications do not care to replenish their stock, with the result that the intending purchaser has, in the first instance, to go to the depôt to inspect the book and then to come to one of the agents to book his order. The depôt people naturally feel chary to allow inspection, as since 1914, they have stopped the cash sale of books to customers direct, having appointed several agents in Calcutta, allowing them a commission of 33⅓ per cent. on the sale-price of books. When the agent has not got the book in stock, he generally accepts the price and writes out an order on the printed form of his firm and hands over the same to the customer who has again to run to the depôt and take delivery of the book there, on behalf of the agent. It is true, in some cases, the agents send their own messenger to the book depôt to get the books, but this they hardly care to do in cases where the value of the books ordered is small. The inconvenience of the customers may be better imagined than described. In the office of the Superintendent of India Government Publications, Hastings Street, Calcutta, books are sold direct to the customers on payment of the price without any delay. Inspection of books is freely allowed there. This system, if followed by the Government of of Bengal, would result in the removal of an inconvenience from which purchasers of publications of this Government suffer at present. I, therefore, hope that my resolution may be accepted by the Council."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"Sir, I am somewhat surprised that such a trivial matter should be brought before this Council by my Hon'ble friend. My Hon'ble friend complains of the present system by which one is obliged to get his book supplied as regards Government publications from one of the booksellers of the town and he considers that it is more convenient to get these things from the Bengal Secretariat Book Depôt. I happen to be a resident of Calcutta while my Hon'ble friend comes from Hooghly. Probably he does not mind the inconvenience which a messenger from Hooghly is put to in getting a book from the Secretariat Book Depôt under the conditions of former days. Speaking for myself I think the present system under which Messrs. Thacker, Spink & Co., Newman & Co. and Cambray & Co. are permitted to sell these publications is most convenient to the public. Besides they are very obliging in serving their customers, more than a Government office is expected to be. You have only to send a letter to one of these shops and you get your book as soon as possible. Probably they will send it by post to Hooghly. If you write to them for a book on inspection they will send it to you and if you do not like to buy it you can return it. I, therefore, oppose the resolution."

The Hon'ble MR. DONALD said :—

"Sir, the present arrangement was the result of action taken on a complaint made some years ago that to pay for a book purchased in the Book Depôt one had to go to the other end of Writers' Buildings. That complaint was considered and the arrangement which now exists was adopted. It is not however a satisfactory arrangement and as the Hon'ble mover has said the remedy is almost worse than the disease. We are prepared again to make arrangements for sale at the Book Depôt and Government will accept the Hon'ble Member's resolution."

The motion was put and agreed to.

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Adjournment.

List of Business—Item No. 18.

The following resolution stood in the name of the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

This Council recommends to the Governor in Council that steps be taken to remodel the sluice in the Damodar left embankment on the western border of mauza Gazipore in thana Amta, in the district of Howrah, by widening the size of the existing narrow vent and lowering the floor of the said sluice with a view to draining out the stagnant rain-water from the paddy fields and preventing any further damage to the winter rice crop of mauzas Sonamukhi and Gazipore.

He said :—

"Sir, may I ask for the postponement of this resolution for discussion at the next meeting? The reason is that it is already late and consequently if this view is acceptable to you, Sir, I request you to postpone it."

The resolution was then, by leave of the President, postponed till the next meeting of the Council.

List of Business—Item No. 19.

The following resolution stood in the name of the Hon'ble Mr. IRWIN :—

This Council recommends to the Governor in Council that—

(i) the teaching of Hygiene and Sanitation by duly qualified teachers be made compulsory in all State aided schools, both for boys and girls, in the Province ;

(ii) these subjects be included as compulsory subjects for the University Matriculation Examination ; and

(iii) provision for the above be made in the next Budget.

He said :—

"Sir, the resolution which stands in my name is, I know, considered of very great importance to the people of this country by many members of this Council and it is quite evident that at the present hour and in the present state of the House it is hopeless to expect a good debate upon it. I would, therefore, request your permission to postpone it until the next Council meeting."

The resolution was then, by leave of the President, postponed till the next meeting of the Council.

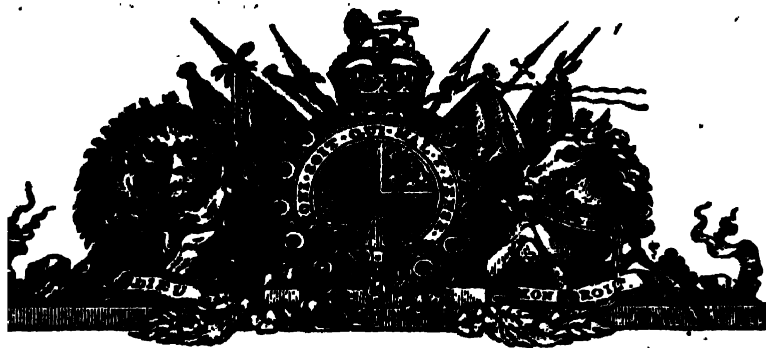
Adjournment.

The Council was then adjourned to Tuesday, the 19th February, 1918, at 11 A.M., at Government House, Calcutta.

A. M. HUTCHISON,

Secretary to the Government of Bengal and
Secretary to the Bengal Legislative Council (Offg.).

CALCUTTA,
The 2nd February, 1918.



The Calcutta Gazette.

WEDNESDAY, MARCH 13, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Tuesday, the 19th February, 1918, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I., *Vice-President.*

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble LT.-COLONEL BUCHANAN, C.I.E., I.M.S.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble MR. J. MACKENZIE.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble REV. DR. G. HOWELLS.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M. Maharajadhiraja Bahadur of Burdwan.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI, C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E.

The Hon'ble MR. E. B. EDEN.

The Hon'ble MR. E. A. MARTIN.

The Hon'ble MR. H. R. A. IRWIN.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble MR. ALTAF ALI.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

LIST OF BUSINESS—ITEM No. 1.

STARRED QUESTION.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*1. (a) Are the Government aware of the fact that the Governor of Bombay in Council has decided to create a Controllership of prices and has appointed the Hon'ble Mr. P. R. Cadell, C.I.E., to the post? Controller of prices for Bengal.

(b) Are the Government considering the desirability of appointing a Controller of prices in this Province at an early date?

Answer by the Hon'ble MR. DONALD :—

" (a) Yes.

(b) Government are not as yet convinced of the need of such an appointment in Bengal at the moment, but will be guided by the development of the situation."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 2. (a) Are the Government aware of the fact that the Commissioner in Sind has appointed a committee with the Collector of Karachi as Chairman to investigate the question of the rise in house-rents in Karachi? Increased house-rent in Calcutta.

(b) Are the Government considering the desirability of appointing a committee of officials and non-officials to inquire how far rents of existing buildings in Calcutta have been increased, and also to report whether action is necessary to control such increases?

Answer by the Hon'ble MR. DONALD :—

" (a) Government have no information on the subject, though they are aware that the question has been mooted as regards Bombay.

(b) Government are already in possession of information on the subject. Statistics of house rents were collected by the Prices Enquiry Committee from 1890 to 1912. These have been brought up to date with the assistance of local authorities, both official and non-official, and the variation during the war has been below 10 per cent. As at present advised, Government doubt whether a case for control has been established."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 3. (a) Are the Government aware of the fact that in 1840 it was decided that Government were liable for keeping up the river *bunds* of pargana Mangalghat and that the Collector was ordered to refund Rs. 10,952 which had been levied from the zamindars on this account with interest at 6 per cent.? River bunds of pargana Mangalghat.

(b) Is it a fact that a marked improvement was observable by 1845, and that no fewer than 89 masonry sluices had been constructed in lieu of the cuts formerly made by the raiyats?

Answer by the Hon'ble MR. COWLEY :—

" (a) and (b) The Hon'ble Member is referring to a period of more than sixty years ago. If he will furnish Government with the material on the basis of which he has framed the question, Government will be prepared to examine the matter."

Questions and Answers.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Burdwan floods. *4. Will the Government be pleased to state the amount of money actually spent up to January, 1918, out of the grant of Rs. 2¼ lakhs as provided in this year's Budget, for mitigating the effects of floods in the Burdwan Division, and the details of the works done during the months of December and January last?

Answer by the Hon'ble MR. COWLEY :—

"The detailed value of the works done on the sanctioned projects for mitigating the effects of floods in the Burdwan Division up to the 30th January, 1918, has been Rs. 72,319, of which sum Rs. 57,996 have actually been expended in cash.

The works done during the months of December and January last have been on the following projects :—

(i) The construction of a retired line in the first mile of the Buxi Khal left embankment and the improvement of the abandoned embankment.

(ii) The improvement of the Gesapati Khal.

(iii) The construction of a retired line on the Ajai embankments at Gaurangapur and Damoodarpur.

(iv) The raising of the Ajai embankments.

(v) The raising of the Damoodar embankments."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Price of text books. *5. (a) Are the Government aware that text books for the fifth and other lower classes of high English schools, published by Messrs. Macmillan & Co., and printed a year ago in Calcutta and Bombay, are being sold at an enhanced rate of 25 per cent. above the price marked on the covers of these books?

(b) Will the Government be pleased to lay on the table a copy of the Government order, if any, on the subject of selling text books at an increased price?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) Orders have been issued by the Department of Public Instruction to the Secretaries of the Text Book Committees at Calcutta and Dacca to allow a reasonable increase in the prices of text books on the approved lists on account of the rise in the price of paper and printing material. The Secretary of the Dacca Text Book Committee has issued a circular fixing a maximum increase of 25 per cent. in the price of text books for Eastern Bengal. No general order of this kind has been issued for Western Bengal, but certain cases have been considered and permission to raise the prices granted.

(b) There is no such Government order."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Case against certain railway officers. *6. (a) Is it a fact that Dr. Bankim Chandra Ganguli, attached to the Pilgrim Hospital, Kharagpore, Bengal-Nagpur Railway, has instituted a suit in the Sadar Subdivisional Magistrate's Court, Midnapore, against the Station Master of Kharagpore and one Mr. Hunter, a guard of the Howrah-Puri passenger train?

Questions and Answers.

(*b*) Will the Government be pleased to state whether this case has been finally decided?

(*c*) If so, will the Government be pleased to lay on the table a copy of the full history of the case, together with the judgment of the trying Magistrate?

Answer by the Hon'ble MR. KERR :—

" (*a*) Dr. Bankim Chandra Ganguli filed a complaint on the 15th January alleging that he had been assaulted by the persons named in the question and by another person, name unknown.

(*b*) The Subdivisional Officer summoned the persons named in the question for the 1st February. On that date the complainant filed a petition stating that the case had been compromised and that he did not wish to proceed with it. The Subdivisional Officer thereupon discharged the accused.

(*c*) A copy of the statement made by the complainant on the 15th January and of the order sheet of the case is laid on the table."

Copy of order sheet and statement referred to in the answer by the HON'BLE MR. KERR *to Question No. 6 (starred) asked by the* HON'BLE RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council Meeting of the 19th February, 1918.*

ORDER SHEET FOR MAGISTRATES' RECORDS.

DISTRICT MIDNAPORE.

IN THE COURT OF BABU J. N. ROY, SUBDIVISIONAL MAGISTRATE, MIDNAPORE.

No. 170 of 1918.

Bankim Chandra Gangopadhya versus *Mr. Guild and Mr. Hunter.*

Serial No. of order.	Date.	Order.	Signature.
1	15th January, 1918	Summons Mr. Guild and Mr. Hunter under sections 352 and 504, Indian Penal Code, for the 1st February, 1918.	J. Banarji.
	1st February, 1918	Accused absent. Complainant withdraws his case. Accused discharged under section 253, Criminal Procedure Code. Enter true under sections 352 and 504, Indian Penal Code.	J. N. Roy.

BANKIM CHANDRA GANGULI, of Kharagpore (on solemn affirmation) states:—I complain against (1) Station Master of Kharagpore, Mr. Geilt, (2) Guard Mr. Hunter, and (3) one unknown European passenger whose name I do not know. Yesterday at about mid-day, I was going to Jakpur by 9-down Puri passenger train. I had third class ticket No. 7745, dated the 14th January, 1918, with me and I got into a third class compartment. There was a European passenger in the compartment who readily ordered me to get out of that compartment. I told him that I would go only a few miles and that there could not be any objection to my travelling in that compartment. The European passenger still persisted in asking me to get out of the compartment. Then I told him that if he objected to my presence he could go to some other compartments reserved for Europeans. Then he said that the compartment in which he was

Questions and Answers.

sitting was reserved for Europeans. I told him that there was no label or anything stating that the compartment was reserved for Europeans. Then he told me to ask the Station Master. I told him to ask Station Master. Then he brought the Station Master and the Guard along with him. They ordered me readily to get out of the compartment, using insulting language. When I told them that there was no label, they told me that their order was sufficient. Then they directed the ticket-collector to attach a label (Europeans) to the compartment. The label "Europeans" was then attached. Then the Station Master and the Guard entered into the compartment. The Station Master and the Guard again used insulting language, saying that I deserved to be treated like cats and dogs. Then they pulled me out of the compartment and I could not travel by that train. Then I informed the matter to the Government Railway Police and I was directed to complain here. I am a Sub-Assistant Surgeon at Kharagpore under Government. The Guard placed his hand on me under the Station Master's orders when he pulled me out of the compartment. The European passenger also got into the train from Kharagpore. I was going to Jakpur to see a patient.

(Sd.) J. N. BANERJEE,
Deputy Magistrate.
The 15th January, 1918.

(Sd.) BANKIM CH. GANGOPADHYA.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*7. (*a*) Will the Government be pleased to state the reason why two rustic women, both of whom are named Sindhubala, one a resident of village Sabajpore and other an inhabitant of Bihar, within the jurisdiction of thana Indas, in the district of Bankura, were arrested by the Superintendent of Police, Bankura?

(*b*) Will the Government be pleased to state the age and the condition of health at the time of arrest, and also the time of arrest, of these women?

(*c*) Is it a fact that one of the women in question was pregnant?

(*d*) Is it a fact that Sindhubala had to take her child, aged 18 months, with her on her way to the thana and other places and was put to all sorts of inconvenience?

(*e*) Will the Government be pleased to state the name, full address and occupation of the husbands of these women?

Answer by the Hon'ble MR. KERR :—

"The Hon'ble Member is referred to the *communiqué* issued by the Government on the subject"

By the Hon'ble BABU SURENDRA NATH RAY :—

*8. (*a*) Is it a fact that there has been of late a decrease in the number of pupils in the Hastings House School?

(*b*) If so, to what is this decrease due?

(*c*) Have the Government received any complaint that the school has not been efficiently managed of late?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) No. The number now on the rolls is the same as in February, 1917.

(*c*) Government have not received any formal complaint."

Questions and Answers.

By the Hon'ble BABU SURENDRA NATH RAY :—

*9. (*a*) Will the Government be pleased to state the number of covenanted members of the Indian Civil Service who were in charge of subdivisions in the Bengal Presidency in January, 1914, and in January, 1918? Members of the Indian Civil Service in charge of subdivisions.

(*b*) What was the total amount of monthly salary paid to them in 1914 and in 1918?

(*c*) What was the total amount paid as salary to Subdivisional Officers in Janaury, 1914, and in January 1918?

Answer by the Hon'ble MR. KERR :—

" (*a*) January 1914—18.
January 1918—7.

(*b*) January 1914—Rs. 12,183-5-4.
January 1918—Rs. 5,366-10-8.

(*c*) January 1914—Rs. 34,983-5-4.
January 1918—Rs. 37,116-10-8.

Since 1914, 13 new subdivisional charges have been created, twelve being Sadar subdivisions. The pay drawn in January 1918 by the officers holding charge of the 71 subdivisions which were in existence in January 1914 amounted to Rs. 31,750."

By the Hon'ble BABU SURENDRA NATH RAY :—

*10. (*a*) Will the Government be pleased to state the number of Assistant Magistrates and Joint Magistrates actually working as such in January, 1914, and the number in January, 1918? Joint Magistrates and Assistant Magistrates.

(*b*) What was the total amount paid as salary to them in January, 1914, and to those who were filling their posts in January, 1918?

Answer by the Hon'ble MR. KERR :—

" (*a*) January 1914—47.
January 1918—14.

(*b*) Of the 47 officers, who were employed in January 1914, 17 were Assistant Magistrates of less than two years' service who were under training. Their pay amounted to Rs. 7,150. Only six officers of this class were employed in January 1918. Their pay amounted to Rs. 2,700. In January 1914, 18 Joint and Assistant Magistrates were employed as Subdivisional Officers. Their pay amounted to Rs. 12,183-5-4. The pay drawn by the officers holding charge of the same 18 subdivisions in January 1918 was Rs. 9,450. Twelve officers were employed in January 1914 as Joint and Assistant Magistrates at district headquarters. Their pay amounted to Rs. 9,500 In January 1918, only one Joint Magistrate was employed at district headquarters. His pay was Rs. 766-10-8. The pay drawn by the senior Deputy Magistrates in the other eleven districts in which Joint Magistrates were employed in 1914 was Rs. 6,800."

By the Hon'ble BABU SURENDRA NATH RAY :—

*11. (*a*) Will the Government be pleased to state the number of Assistant Superintendents of Police in January, 1914, and the number of such officers in January, 1918? Assistant Superintendents of Police.

(*b*) What was the amount spent on their salary in January, 1914, and in January, 1918?

Questions and Answers.

(*c*) If the number of such officers was less in 1918, will the Government be pleased to state by whom their places are now filled up?

(*d*) What was the total amount paid to those who were filling the places of Assistant Superintendents of Police in January, 1918?

Answer by the Hon'ble MR. KERR :—

" (*a*) January 1914—26.
January 1918—9.

(*b*) January 1914—Rs. 10 600
January 1918—Rs. 4,300.

(*c*) By officiating Deputy Superintendents of Police

(*d*) Rs. 4,250.

These figures include only officers actually employed as Assistant Superintendents, and do not include officers on leave or deputation or officiating in higher appointments."

By the Hon'ble BABU SURENDRA NATH RAY :—

*12. (*a*) Will the Government be pleased to state the number of constables in the Calcutta Police and in the Bengal Police?

(*b*) What is the number of Bengalis serving as constables either in the Calcutta Police or in the Bengal Police?

(*c*) Have the Government ever tried to enlist more Bengalis as constables?

(*d*) If so, with what result?

(*e*) If not, why not?

Answer by the Hon'ble MR. KERR :—

" (*a*) In the Calcutta Police, 3,734; in the Bengal Police, 17,648.

(*b*) Sixty-seven in the Calcutta Police, and 6,945 in the Bengal Police.

(*c*) Yes.

(*d*) Recruiting parties have been sent out into Bengal districts by the Calcutta Police, on various occasions, but have met with little success. Only 18 men were recruited last year, and 16 of these absconded within a month of being posted to the Police Training School.

In the Bengal Police special efforts have been made during the last few years to obtain Bengali constables, and a fair measure of success has been achieved, though the Inspector-General would be glad to recruit many more men of this class. The number enlisted during the last three years is as follows :—

1915	..	...	...	1,125
1916	...	...	...	1,218
1917	...	...	...	1,608

The Hon'ble Member is referred to paragraph 8 of the Police Administration Report for the year 1916 and to paragraph 4 of the Government Resolution thereon, where this subject was discussed.

(*e*) Does not arise."

Questions and Answers.

By the Hon'ble BABU SURENDRA NATH RAY :—

*13. (*a*) Are the Government aware that the removal of the Bengal Secretariat Press to Gopalnagore Road in Chetla will seriously inconvenience 99 per cent. of the employés who live with their families in Northern Calcutta and in the Howrah and Hooghly districts? Proposed removal of the Secretariat Press.

(*b*) Are the Government considering the desirability of selecting a more suitable site for the proposed new Press building?

(*c*) Have the Government considered the advisability of postponing the new building project for the Bengal Secretariat Press, which is likely to cost the public about 10 lakhs of rupees initially, till financial conditions improve?

Answer by the Hon'ble MR. DONALD :—

"(*a*) It is true that a certain amount of inconvenience will be caused to employés living in the north of Calcutta and in the districts named by the transfer of the Press.

(*b*) The site selected is considered to be the most suitable that can be found.

(*c*) The construction of a new press at the present time has been forced on Government owing to the insanitary conditions under which the employés work in the present building, and should not be postponed."

By the Hon'ble BABU SURENDRA NATH RAY :—

*14. (*a*) Is it a fact that recently a committee was appointed to inquire into the necessity of erecting a new building for the Press? New building for the Secretariat Press.

(*b*) If so, has the committee submitted any report?

(*c*) If the answer is in the affirmative, will the Government be pleased to lay the report of the committee on the table?

Answer by the Hon'ble MR. DONALD :—

"(*a*), (*b*) and (*c*) A committee has been appointed, not for the purpose of inquiring into the necessity of erecting a new building for the press, but to advise Government as to the details of construction. The report of this committee has not yet been received."

By the Hon'ble BABU SURENDRA NATH RAY :—

*15. (*a*) Will the Government be pleased to state— Quantity of work in the Secretariat Press

(*i*) whether the quantity of work now turned out by the Press has increased or decreased as compared with the figures for 1907, and

Questions and Answers.

(*ii*) if there has been a decrease, why the entire Press cannot be accommodated in the present block of Writers' Buildings as before, and why there has been increased expenditure?

Answer by the Hon'ble MR. DONALD :—

" The quantity of work turned out by the Press is now practically double that of 1907."

By the Hon'ble BABU SURENDRA NATH RAY :—

Deputy Superintendents of the Secretariat Press.

*16. (*a*) Will the Government be pleased to state what are the qualifications of the present Deputy Superintendents of the Bengal Secretariat Press, and what special experience they had before being appointed as Deputy Superintendents in that Press?

(*b*) Will the Government be pleased to state why at least one of the posts of the Deputy Superintendents cannot be filled by an Indian recruited from the staff of the Press?

Answer by the Hon'ble MR. DONALD :—

" (*a*) The senior Deputy Superintendent, Mr. Battersby, is a trained printer by profession. Mr. Johnstone was a reader who was promoted to be Deputy Superintendent many years ago. Mr. Shea was originally a reader, but for several years held the appointment of manager of the Darjeeling press: he was transferred as a Deputy Superintendent to the Secretariat Press in 1916.

(*b*) There is no employé in the Press staff suitable for the post of Deputy Superintendent."

By the Hon'ble BABU SURENDRA NATH RAY :—

Controller of Printing and the Secretariat Press.

*17. (*a*) Will the Government be pleased to state why the Bengal Secretariat Press is not under the Controller of Printing and Stationery?

(*b*) Is it a fact that the Government have to rely entirely on the Superintendent for expert advice?

(*c*) Are the Government considering the advisability of obtaining the advice of the Controller about new schemes and new expenditure?

Answer by the Hon'ble MR. DONALD :—

" (*a*), (*b*) and (*c*) The Bengal Secretariat Press is not under the Controller of Printing and Stationery because it is a provincial press. The Controller is an officer of the Imperial Government and exercises no executive control over provincial presses. He inspects presses under Local Governments and advises them in matters connected with printing and stationery. His advice is freely sought on matters connected with the Bengal Secretariat Press, and Government do not rely on the Superintendent only for expert advice. The Controller is a member of the Committee referred to in the answer to question No. 14."

Questions and Answers.

By the Hon'ble BABU SURENDRA NATH RAY :—

*18. Will the Government be pleased to state the total amount of expenditure on all kinds of new machinery for the Bengal Secretariat Press during the last five years, and also the amount of saving effected and realised owing to the use of these machines? Expenditure on new machinery for the Press.

Answer by the Hon'ble MR. DONALD :—

" Rupees 86,069 have been spent during the past five years on new machinery. It is impossible to say what savings have been effected by the use of the new machinery, but the volume of printing and binding done since its introduction could not have been turned out without it."

By the Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR :—

*19. (*a*) Are the Government aware that Mr. Barrow, the Officiating Principal of the Presidency College, has ruled that non-attendance of a student, on a single day, from the College class, on an exercise day, would debar him from appearance at the University Examination from the College? Presidency College students and University Examination.

(*b*) Was there any such rule in the history of this College from the time of Principal Sutcliffe downwards?

(*c*) Are the Government considering the desirability of instructing the Director of Public Instruction to consider the reasonableness or otherwise of this rule?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Government are informed that no such rule has been made.

(*b*) Government are not aware of any such rule.

(*c*) This question does not arise."

UNSTARRED QUESTIONS.

(*The Answers to which were laid on the table*).

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

I. (*a*) With reference to the suggestion made by Captain Goil regarding the subsidising by District Boards of medical practitioners in rural areas for treating the poor free, will the Government be pleased to state how many District Boards have so far experimented in this direction, in what localities and with what results? Subsidising of medical practitioners by District Boards.

(*b*) What are the terms that were offered to medical practitioners in this behalf?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) and (*b*) A statement is laid on the table."

Questions and Answers.

Statement referred to in the answers by the Hon'ble MR. O'MALLEY *to question No. I (unstarred) asked by the* Hon'ble BABU BHABENDRA CHANDRA RAY *at the Council Meeting of the 19th February 1918, showing the number of District Boards which have undertaken a scheme of subsidizing medical practitioners in rural areas on condition that they treat the poor free of charge.*

Name of district Board.	Locality.	Result of experiment.	Terms offered to medical practitioners.
1. Jessore ...	Basundia and Bandabilla in Sadar Subdivision Mohammadpur and Chhandra in the Magura Subdivision.	The scheme was instituted on 1st December 1917 and is still in an experimental stage. It is, therefore, premature to make any definite pronouncement about the results.	The subsidized doctor is required (1) to stick to the post for three years; (2) to inspect all schools within a radius of three miles from his centre once a month and to treat school boys suffering from acute and chronic malaria free; to keep a register of all such visits and all such cases and to produce it for inspection whenever required by the Subdivisional Officer or any member of the Board; to give lantern-slide demonstrations in the schools whenever asked to do so by the Board, the Board supplying all the apparatus; (3) to keep a register of all other cases treated by him in private practice and to produce it for inspection whenever required by the Subdivisional Officer or a member of the Board; (4) to provide his own medicines excepting quinine, of which he will be supplied with a regulated amount free of cost by the District Board; and (5) to distribute the quinine supplied by the District Board free of cost. Subject to conditions (2) and (5) he is free to fix his own scale of charges for attendance and medicine, provided that it is reasonable. So long as his work is satisfactory he gets a monthly subsidy of Rs. 35 for three years from the date of his appointment.
2. Mymensingh	Badla ...	The experiment proved a failure; the doctor left the place after a few months for want of practice.	
3. Rangpur ...	Haragacha and Barati.	An experiment was tried with unqualified practitioners and was then discontinued under the orders of the Surgeon-General.	Terms not stated.
4. Malda ...	Ariadanga ...	The experiment was tried with an unqualified medical practitioner and was discontinued after about two years as his work was unsatisfactory.	A subsidy of Rs. 25 per mensem was given and a grant of Rs. 150 for the purchase of medicines on condition that he treated poor patients every day for 3 hours free of charge.
5. Pabna ...	Ratanganj, Sohagpur and Jorepukhuria.	The experiment proved a failure at Ratanganj, there being a general complaint that the doctor did not observe the condition on which he was appointed. The doctor at Sohagpur worked satisfactorily, but the post was abolished as a charitable dispensary was established there. It is reported that the scheme has been successful at Jorepukhuria.	A monthly subsidy of Rs. 30, besides a free supply of quinine to a certain quantity, is given on condition that the doctors treat the poor free of cost.

NOTE.—The District Boards of Jalpaiguri and Rajshahi resolved in 1915 to try the experiment in two and one localities, respectively, but could not do so as qualified medical practitioners were not available.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Visits to political prisoners.

II. (*a*) Will the Government be pleased to make a statement giving the names of those District Magistrates or other officers who have been appointed visitors of political prisoners under Bengal Regulation III of 1818, the dates of their respective appointments as such visitors and the places thereof,

Questions and Answers.

together with the number of visits paid by each visitor to each individual political prisoner and the dates of such visits?

(b) Have the visitors made any reports to Government or any suggestions to the jail authorities relating to the health, comfort and general well-being of the political prisoners?

(c) If so, will the Government be pleased to state the purport of each of such reports and any action taken thereon?

Answer by the Hon'ble MR. KERR:—

"(a), (b) and (c) The District Magistrates in whose districts State prisoners have been confined have been appointed visitors by the Government of India for those prisoners under clause 4 of Regulation III of 1818. They visit the State prisoners at least once a month and submit reports each month through the Local Government to the Government of India. Government does not consider that any public interest would be served by compiling the statement desired or by publishing the purport of the reports submitted, which in any case could not be done without the sanction of the Government of India."

By the Hon'ble BABU BHABENDRA CHANDRA RAY:—

III. (a) Are the non-official Chairmen of District Boards entitled to travelling allowances? **Travelling allowance of non-official Chairmen of District Boards.**

(b) If so, under what provisions and at what rates?

Answer by the Hon'ble MR. O'MALLEY:—

"(a) Yes

(b) A copy of Circular No. 361-65 L.S.-G., dated the 13th February, 1918, is laid on the table."

Copy of Circular referred to in the Answer by the Hon'ble MR. O'MALLEY *to Question No. III (unstarred) asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY *at the Council Meeting of the 19th February, 1918.*

Circular No. 361-65 L. S.-G., dated Calcutta, the 13th February, 1918.

From—L. S. S. O'MALLEY, ESQ., I.C.S., Secretary to the Government of Bengal, General Department,

To—All Commissioners of Divisions.

WITH reference to this Department's Circular No. 21 L. S.-G., dated the 10th July 1915, on the subject of the payment of travelling allowance to Chairmen, Vice-Chairmen and members of District and Local Boards, I am directed to say that Chairmen of District Boards, who are not Government officers, will be entitled to draw travelling allowance at the same rates as are admissible under the Civil Service Regulations in the case of Government officers, of the first class for all journeys performed for the purposes of the Local Self-Government Act.

No. 457 L. S.-G.

COPY forwarded to the Accountant-General, Bengal (through Financial Department) for information.

By order of the Governor in Council,

C. W. GURNER,

Under-Secretary.

CALCUTTA;

The 12th January, 1918.

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Elections for Khulna Local Boards.

IV. (*a*) Is it a fact that certain elections for the Khulna Local Boards, fixed for the 21st January last, have failed?

(*b*) If so, will the Government be pleased to state the reasons therefor, and the steps that are going to be taken in the matter?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) and (*b*) It is reported that the election for the Sadar Local Board failed because the presiding officer fell ill before he had recorded all the votes of the voters present. A fresh election will be held."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Certain remarks in the Police Administration Report.

V. (*a*) With reference to the answer to my unstarred question No. XVIII at the last meeting of the Council, will the Government be pleased to indicate the nature of the " published information " on the basis of which the remark was made in the report on Police Administration?

(*b*) Are the proceedings of the Bengal Legislative Council included among the " published information " referred to in the said answer?

(*c*) With reference to the " unwritten rules governing the matter," stated in the said answer to be " based on etiquette and good feeling," is the dignity of the Legislative Council of any consideration in the interpretation of the said rules?

(*d*) Are the Government considering the desirability of issuing a circular to the Heads of Departments prohibiting them from making observations of the nature referred to in the said question, in regard to any discussions in the Legislative Council?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) The Inspector-General of Police states that, in writing the passage referred to, he was thinking not solely, or even mainly, of the discussions which took place in this Council during the last budget debate, but rather of the articles which appeared in the newspapers commenting on the Council discussions.

(*c*) Certainly, but Government do not consider that there was anything in the Inspector-General's remark calculated to impair the dignity of this Council. The passage appeared in the section of the report relating to finance, and the exact words used were: ' A good deal of eloquence has lately been expended on the subject of increased expenditure on the police, but if an efficient and contented force is desired it must be paid for. A high degree of efficiency can hardly be expected from an underpaid, undermanned and badly-housed force, deficient both in clothing and equipment. A considerably larger expenditure will have to be faced before the urgent needs of the department can be satisfied.'

(*d*) Government do not consider it necessary to take any action of this nature."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Treatment of under-trial prisoners.

VI. (*a*) Are the Government aware of the general impression that the treatment accorded to under-trial prisoners in Bengal is not generally in accordance with the provisions of the jail rules?

Questions and Answers.

(b) Will the Government be pleased to state whether they are considering the desirability of making an inquiry into this matter with the help of a Committee of officials and non-officials?

Answer by the Hon'ble MR. KERR :—

" (a) and (b) The reply is in the negative."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

VII. How far has the Boy-Scout movement been introduced in educational institutions in Bengal, and what steps are the Government taking for a spread of the movement in schools under Government control? Boy-Scout movement in Bengal.

Answer by the Hon'ble MR. O'MALLEY :—

" So far as Government are aware the movement has been introduced in 12 schools. No direct action is being taken by Government to spread the movement in Government schools but the question of aiding the movement in so far as troops of Indian boy-scouts are concerned, by the formation of a central organization, has been under consideration for some time. In the view of Government such an organization should be a non-official body; and with the entire approval of Government the Hon'ble the Maharajadhiraja of Burdwan has been engaged in forming a governing body to guide and control the movement among Indian boys. It is understood that a small committee is at present engaged in drawing up a scheme for submission to the governing body."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

VIII. (a) When is the Bengal Village Self-Government Bill likely to be introduced in Council? Bengal Village Self-Government Bill.

(b) Are the Government considering the desirability of publishing the draft Bill for criticism and opinion before introducing it?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) The Bill has been submitted to the Secretary of State and it is proposed to introduce it in Council on 4th April, 1918, if no orders to the contrary are received from the Secretary of State before that date.

(b) No. The Bill will be published for criticism and opinion after introduction."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

IX. (a) Will the Government be pleased to state whether it is proposed to place the papers of all the cases of internment before the Committee presided over by Mr. Justice Rowlatt, or will only selected cases be submitted for their consideration? Rowlatt Committee and the internment cases.

(b) Are the Government considering the desirability of informing the individual *détenus* and political prisoners about the functions of the said Committee, and of allowing them—should any of them desire it—an opportunity of defending themselves personally, or to explain the circumstances in which any confession or other statements may have been obtained from them, before the said committee of inquiry?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"All the papers in the possession of Government have been placed at the disposal of the Committee presided over by Mr. Justice Rowlatt. The terms of reference to this Committee have been published, and, as interpreted by the Committee, do not cover inquiry into individual cases."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Union Committees

X. Will the Government be pleased to state the duties, powers and obligations of the District Boards, the Local Boards, the District Magistrates, the Subdivisional Officers and the Circle Officers, respectively, in the matter of initiating, guiding and controlling Union Committees formed under the Bengal Local Self-Government Act?

Answer by the Hon'ble MR. O'MALLEY :—

"The Hon'ble Member is referred to clause (*d*) of the reply given to the question No. 23, asked by the Hon'ble Mr. P. C. Mitter at the meeting of the Council held on the 20th November, 1917. The relations of the District Boards, Local Boards and District Magistrates towards Union Committees are regulated by sections 41 A, 44, 58, 104, 105, 106, 107, 110, 114, 115 116, 117, 118, 118 A, 118 C, 119, 120, 121, 122, 124, 126, 130, 133 and 134 of the Local Self-Government Act (B.C., III of 1885) and by rules 2, 5, 6 and 9 of the rules under section 138 (*a*) of the Act issued with notification, dated the 15th December, 1885, rules 77 A and 88 of the rules under section 138 (*b*), (*c*), (*d*), (*e*), (*f*), (*h*), (*i*), (*q*), (*s*) and (*t*) of the Act issued with notification, dated the 11th February, 1886, and notification No. 1220 L.S.-G., dated the 3rd July, 1917, rules 62, 64, 65 and 66 under section 138 (*q*) of the Act issued with notification No. 1550 Edn., dated the 18th December, 1917, rules 2, 3, 4 and 5 under section 138 (*q*.1) and (*t*) of the Act issued with notification No. 2055 L.S.-G., dated the 20th November, 1917, rules 101, 102, 106 and 109 under section 138 (*i*) and (*t*) of the Act issued with notifications No. 2009 T.—M., dated the 9th November, 1901, and No. 1225 L.S.-G., dated the 27th May, 1915. Subdivisional Officers and Circle Officers help in initiation, guidance and supervision as a matter of administrative arrangement."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Apprentices in Railway workshops.

XI. (*a*) How many workshops are there, in connection with the Railways in Bengal, where apprentices are admitted for training?

(*b*) Will the Government be pleased to make a statement for each of the last five years showing the number of literate European, Anglo-Indian and Indian apprentices, respectively, at each of such workshops?

(*c*) What is the minimum requisite qualifications for being admitted as a literate apprentice, in the case of—

(*i*) Europeans or Anglo-Indians; and

(*ii*) Indians,

and for what nature of employment are they, respectively, trained?

(*d*) Are they in the enjoyment of any stipends or allowances? If so, what is the scale thereof in the case of Europeans, Anglo-Indians and Indians, respectively?

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

(*a*) There are five workshops in connection with the railways in Bengal, viz. :—

Kanchrapara—Eastern Bengal Railway.

Jamalpur } East Indian Railway.
Lillooah }

Kharagpur—Bengal-Nagpur Railway.

Pahartoli—Assam-Bengal Railway.

(*b*) The following statement shows the number of literate European, Anglo-Indian and Indian apprentices under training at the above workshops during the last five years :—

KANCHRAPARA—EASTERN BENGAL RAILWAY.

Year.				European. Anglo-Indian.	Indian.
1913	...	...	...	16	12
1914	...	...	...	19	8
1915	...	...	...	23	5
1916	...	...	...	23	8
1917	...	...	...	30	12

Note.—Separate figures for Europeans and Anglo-Indians at this workshop are not available.

JAMALPUR—EAST INDIAN RAILWAY.

Year.				European.	Anglo-Indian.	Indian
1913	...	...	...	60	41	24
1914	...	...	...	55	45	33
1915	...	...	...	59	51	41
1916	...	...	...	51	64	55
1917	...	...	...	55	64	61

LILLOOAH—EAST INDIAN RAILWAY.

Year.				European.	Anglo-Indian.	Indian.
1913	...	...	...	2	20	8
1914	...	...	...	3	16	11
1915	...	...	...	3	12	13
1916	...	...	...	3	13	15
1917	...	...	...	4	19	23

KHARAGPUR—BENGAL-NAGPUR RAILWAY.

1913	...	...	...	37	7	50
1914	...	...	...	38	7	50
1915	...	...	...	34	9	51
1916	...	...	...	36	10	79
1917	...	...	...	35	9	74

PAHARTOLI—ASSAM-BENGAL RAILWAY.

1913	...	...	...	...	...	8
1914	...	...	...	1	1	9
1915	...	...	...	2	3	11
1916	...	...	...	2	3	22
1917	...	...	...	2	3	26

Questions and Answers.

(c) (i) In the case of Europeans and Anglo-Indians, the minimum qualification required is generally Standard VI of the European School Code, but for the Pahartoli Workshop Standard V is the minimum and for Lillooah Standard VII.

The workshops at Kanchrapara, Jamalpur, Lillooah and Kharagpur further require candidates to submit to a special competitive examination in English, Mathematics, general knowledge and freehand drawing and admissions to apprenticeship are made from the most successful candidates at this examination.

(ii) In the case of Indians, the minimum qualification required is education in English for admission to the shops at Jamalpur. For Kharagpur Middle Vernacular Standard is required. At Lillooah, completion of Matriculation course is necessary, while for admission to the Kanchrapara Shops pass in Matriculation class is required. At Lillooah Indian candidates are further required to submit to the special examination prescribed for Europeans and Anglo-Indians referred to in the answer to question 54 (c) (i).

The majority of the apprentices in workshops, both European and Indian, are trained as Foreman Mechanics.

(d) The following table shows the monthly remuneration paid to apprentices in the Railway workshops :—

EUROPEAN AND ANGLO-INDIAN APPRENTICES

Shops.	1st year.	2nd year.	3rd year.	4th year.	5th year.	6th year.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Kanchrapara ...	40	50	60	70	80	90
Jamalpur ...	30	30	35	40	50	...
Lillooah ...	30	30	35	40	50	...
Kharagpur ...	25	30	35	40	50	...
Pahartoli ...	15	20	25	30	35	...

INDIAN APPRENTICES.

Shops.	1st year.	2nd year.	3rd year.	4th year.	5th year.	6th year.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Kanchrapara ...	15	17	19	22	25	...
Jamalpur ...	10	11	12	13	15	...
Lillooah ...	5	10	15	20	25	...
Kharagpur ...	15	17	19	22	25	...
Pahartoli ...	9	11	13	20	26	...

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XII. Will the Government be pleased to lay on the table a statement giving the names of all persons who have applied for permission to manufacture salt, the intended place of manufacture, and all other particulars of the individual applications, together with the orders passed in each case? Individual applicants for the manufacture of salt.

Answer by the Hon'ble MR. DONALD :—

"The Hon'ble Member is referred to the answer given to question No. XXXVI."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XIII. (*a*) With reference to the extract from a note by Messrs. Walsh and Heaton, which was laid on the table in reply to my unstarred question No. L of the 18th December, 1917, will the Government be pleased to state what action has been taken in regard to each of the nine proposals to which the attention of Government was drawn by Messrs. Walsh and Heaton therein? Dacca School of Engineering.

(*b*) Will the Government be pleased to state the reason why proposals Nos. 1 and 2 in particular, namely—

"(*i*) to separate the school from the Dacca College and to style the Headmaster 'Principal,' and

(*ii*) to constitute a governing body with functions similar to that of the Sibpur College,"

have not been given effect to?

Answer to the Hon'ble MR. O'MALLEY :—

"(*a*) and (*b*) The following statement shows the proposals and the action taken on each seriatim :—

(1) *Separation of the school from the Dacca College and change of the title of Head Master to Principal.*—It was decided that no action should be taken on this proposal pending the decision of the question of removing the school to a new site.

(2) *Constitution of a governing body similar to that of the Sibpur College.*—Action was postponed pending orders on the first proposal.

(3) *The fixing of a consolidated grant to be administered by the proposed governing body.*—This proposal could not be dealt with apart from the first and second proposals.

(4) *Strengthening and re-arrangement of the teaching staff.*—Some additions have been made to the staff.

Questions and Answers.

(5) *The case of the Head Clerk.*—This recommendation was not accepted by the Joint Technical Examination Board, but the Head Clerk has been promoted to class VIII of the Subordinate Educational Service.

(6) *The reduction of the number of reduced freeships at Sibpur and the creation of four stipends.*—This proposal was not accepted by the Board; but proposals for the transfer of 8 reduced freeships from Sibpur to Dacca and for their conversion into stipends are under consideration.

(7) *Arrangements for the instruction of students in practical surveying under canvas.*—This has been sanctioned.

(8) and (9) *Furniture, drawing boards, cement-testing machines and minor items of equipment.*—It has not been thought necessary to pass orders as the Head Master has power to make such purchases except when the value of separate items is over Rs. 500, and it rests with him to move in the matter."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Method of examining fry.

XIV. With reference to the answer to clause (*b*) of my unstarred question regarding the Department of Fisheries, at the last meeting of the Council, will the Government be pleased to state whether the process of examination of the fry is scientific in its character, and how many officers are employed in the said work?

Answer by the Hon'ble MR. KERR :—

" As the Hon'ble Member has no doubt understood from the reply to which he refers, it is not the case that each fish is subjected to microscopic examination. In so far as the fry are examined by officers who are experienced in distinguishing one kind of fry from another the examination is scientific, but, as previously stated, it is not claimed that the examination is complete and the Department does not guarantee purity. Fry are examined by three officers."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Officers under the Court of Wards.

XV. (*a*) Will the Government be pleased to state whether there is any rule, or practice, for the compulsory retirement of officers employed under the Court of Wards on the ground of age?

(*b*) If so, what is the maximum age for service in this behalf?

(*c*) Will the Government be pleased to make a statement giving the names and the respective ages of all officers serving under the Court of Wards and drawing Rs. 100 and above as monthly salary, who have attained the age of 55 years?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) There is no rule on the subject. The practice is to retain the services of officers as long as they are efficient.

(*c*) A statement is laid on the table."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. KERR *to Question No. XV (unstarred) asked by the* Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *at the Council Meeting of the 19th February, 1918, showing the number of officers serving under the Court of Wards in the Presidency of Bengal and drawing a monthly salary of Rs. 100 and above who have attained the age of 55 years.*

Name of officers.	Designation.	Age.
1	2	3
		YRS.
Mr. F. W. Needham	Manager of the Bhawal estate, Dacca ...	56
Babu Prasanna Kumar Mitra ...	Land Revenue Superintendent, Bhawal estate, Dacca.	65
Mr. E. Bignold	General Manager, Wards estates, Mymensingh.	58
Babu Rajani Nath Bose ...	Superintendent of the Tagore Wards estate, Barisal.	58
Colonel J. Hodding, C.I.E. ...	Chief Manager, Nawab's estate, Dacca ...	63
Mr. H. C. F. Meyer ...	Agent, Nawab's estate, Barisal	60
Babu Sarada Charan Mukharji	Senior Superintendent, Nawab's estate, Dacca	58
Babu Jamini Kishor Chakravarti ...	Cadastral Survey Superintendent, Nawab's estate, Dacca.	56
Babu Chandra Kumar Mukharji	Head Mukhtear, Nawab's estate, Dacca ...	65
Babu Abani Mohan Patavyal	Chief Accountant, Nawab's estate, Dacca ...	56
Babu Mathura Nath Das Gupta	Assistant Superintendent, Nawab's estate, Barisal.	63
Babu Kali Dayal Ghose	Personal Assistant to the Chief Manager, Nawab's estate, Dacca.	56
Babu Upendra Chandra Datta ...	General Manager, Wards estate, Chittagong	61
Mr. M. M. Halliday	Manager, Kasimbazar estate, Tippera ...	59

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XVI. Will the Government be pleased to lay on the table the Government of Bengal's letter No. 26 T.—S.R., dated the 24th May, 1915, which is referred to in the latest report on the income-tax administration as having ruled that "the premium taken by a landlord for granting settlement of waste or abandoned land with a tenant is exempt from income-tax, but fees levied for recognition of a transfer of agricultural land from one tenant to another are liable to income-tax"? An Income-tax question.

Answer by the Hon'ble MR. DONALD :—

"A copy of the letter referred to is laid on the table."

Questions and Answers.

Copy of letter referred to in the answer by the Hon'ble MR. DONALD *to question No. XVI (unstarred) asked by the Hon'ble* BABU BROJENDRA KISHOR RAY CHAUDHURI *at the Council Meeting of the 19th February, 1918.*

No. 26T.—S. R., dated Darjeeling, the 24th May, 1915.

From—THE HON'BLE MR. J. DONALD, I.C.S., Offg. Secretary to the Government of Bengal, Financial Department,

To—The Commissioner of the Dacca Division.

I am directed to acknowledge the receipt of your letter No. 2077 R., dated the 17th April, 1915, to the address of the Board of Revenue, in which you inquire whether income derived by a landlord from *nazar* realised in connection with land used for agricultural purposes is liable to be assessed to income-tax. The two classes of *nazar* to which you refer are (*1*) premium taken by a landlord for the grant of settlement of waste or abandoned land with a tenant, and (*2*) fees levied for the recognition of a transfer of land from one tenant to another.

2. In reply, I am to say that the Superintendent and Remembrancer of Legal Affairs, who was consulted on the question, has recorded the following opinion, in which Government agree:—

(*a*) The first kind of *nazar* is similar to *salami* taken on the creation of a *patni* or other tenure, and on the authority of the previous ruling contained in note 9 to section 5 of Act II of 1886 (page 8, Income-tax Manual) income-tax cannot be assessed on it.

(*b*) The second kind of *nazar* is a payment made to the landlord in consideration of his recognizing a particular person as his tenant. Such payments are not rent or revenue derived from land and are not income derived from agriculture. Therefore this kind of *nazar* is liable to income-tax.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI:—

Dhalleswari Steamer Service.

XVII. (*a*) Is it a fact that the Dhalleswari Steamer Service has been either partly or wholly discontinued?

(*b*) If so, from what date and in what circumstances?

(*c*) What are the present conditions of communication between Dacca City and the westernmost parts of the district, particularly the Manikganj subdivision?

(*d*) How many miles from Dacca City is the subdivisional town of Manikganj, and how many hours' journey by boat at present?

(*e*) What progress, if any, has been made with regard to the proposal for a motor service between Manikganj and Aricha?

Answer by the Hon'ble MR. COWLEY:—

"(*a*) and (*b*) Yes, owing to the shallowness of the river the Dhalleswari Steamer Service is curtailed each year during the dry season. This season the service was suspended beyond Sabhar on the 27th December, 1917.

(*c*) During the rains traffic between Dacca City and the western part of the district, including the Manikganj subdivision, is generally by water. During the dry season what little traffic there is, is generally carried by the Padma Steamer Service. The road from Dacca City to the western part of the district is embanked and bridged as far as Mirpur. Thence to Fulbaria, where the Dhalleswari river is crossed by ferry, the road is embanked and most of the khals bridged. From the west bank of the Dhalleswari river to Baira there is no embanked or bridged road, and three miles of the track between Joymantop and Singair have been cut away by the river Dhalleswari. Arrangements are being made for a temporary diversion over these three miles. From Baira to Bentha the road is embanked and temporary bamboo bridges are constructed over khals during the rains. From Bentha to Manikganj and on to Aricha Ghat the road is embanked and bridged and in fairly good order. Aricha Ghat on the east side of the Padma is almost opposite the present site of Goalundo Ghat.

Questions and Answers.

(*d*) Manikganj is 30 miles by road from Dacca City. During the rains the journey by boat takes about 40 hours, but boats cannot at the present season get nearer than Joymantop, as the khal from the Dhalleswari river to Manikganj station is dry.

(*e*) The Dacca District Board has received a proposal for a motor service between Aricha Ghat and Manikganj, in which the promoter proposes to share the cost of improving the road with the Board. Negotiations are pending between the promoter and the District Board."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XVIII. (*a*) With reference to the answer to my unstarred question No. LIII of the 18th December, 1917, will the Government be pleased to state the reason for granting stipends at a much lower scale to the 5th year boys and artisans of the Dacca School of Engineering than those granted to the 5th year boys and artisans of the Apprentice Department of the Civil Engineering College at Sibpur? Dacca School of Engineering.

(*b*) With reference to the answer to clause (*d*) of my unstarred question No. XLIX of the 18th December, 1917, will the Government be pleased to explain why the Assistant Headmaster of the Dacca School of Engineering is not given the allowance which is granted to Assistant Headmasters of Government High Schools?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) The scale of stipends for the artisans at Sibpur and Dacca respectively was fixed in accordance with the proposals of the head of each institution. The present scale of stipends for the 5th year Overseer students of the Dacca School of Engineering was fixed many years ago, and, so far as can be ascertained, no increase has since been proposed by the Head Master.

(*b*) The Assistant Head Master of the Dacca School of Engineering is not eligible for the allowance, because that school is not a high school."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XIX. (*a*) With reference to the answer to clause (*b*) of my unstarred question No. XLVIII of the 18th December, 1917, regarding the status of the Dacca School of Engineering, will the Government be pleased to explain for what purposes the said school is treated as a college, and for what particular purpose as a school?

(*b*) Will the Government be pleased to state the reasons why the teachers of the Calcutta Commercial Institute are designated as Lecturers and are thus beyond the operation of Circular No. $\frac{114}{\text{T.P.}-40\text{A.}-11}$, whereas the teachers of the Dacca School of Engineering are not so privileged?

(*c*) Are the qualifications of the teachers of the latter institution of an inferior standard generally, or are their duties of a less responsible or important character, in comparison with those of the teachers of the Calcutta Commercial Institution?

(*d*) If not, what are the reasons for this differential treatment?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) The age and qualifications of the students approximate to those of college students and the Head Master is treated as if he were the Principal of an Engineering College in certain correspondence, *e.g.*, in connexion with the examinations of the Joint Technical Examination Board. On the other hand, the institution has, as its name implies, the status of a school and not of a college, the officer in charge being a Head Master and not a Principal, and it is under the general supervision of the Principal of the Dacca College.

(*b*) The teachers of the Government Commercial Institute, Calcutta, are designated Lecturers because the Institute has the status of a College. The teachers of the Dacca School of Engineering are not so designated because their status is that of teachers in a school.

(*c*) The question presumably refers to the qualifications of officers other than the Principals. Of the 5 subordinate teachers of the Institute, 2 hold the Master's degree and 3 the Bachelor's. Of the 5 subordinate teachers (excluding the foremen) of the School of Engineering, 3 hold the Bachelor's degree and 2 are under-graduates. The work of a school is generally regarded as of a less responsible character than that of a College.

(*d*) This question does not arise."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Water-ways in Dacca Division.

XX. Will the Government be pleased to state the nature and scope of the inquiry to be made by Mr. S. N. Banerjee, Executive Engineer, in connection with the waterways in the Dacca Division?

Answer by the Hon'ble MR. COWLEY :—

"The officer in question is employed on an investigation into the drainage conditions of the area lying between the Dhaleswari and the Padma rivers. The object of the investigation is to consider whether and in what way it is possible to improve the sanitation of the area between these rivers or to improve navigation facilities in the Dhaleswari, Buriganga and the numerous *khals* to the south of them. He has also been instructed to report on the general condition of the Dholai *khal* and the possibility of its re-excavation and maintenance as a navigable channel."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Cost of prisoners' diet.

XXI. Will the Government be pleased to make a statement showing the average cost per head of the daily diet supplied to (*a*) European and Anglo-Indian prisoners; (*b*) Indian prisoners; and (*c*) prisoners belonging to other Asiatic races, respectively, classified in each case under the following heads :—

(*i*) under-trial prisoners;

(*ii*) convicts; and

(*iii*) prisoners in hospital?

Answer by the Hon'ble MR. KERR :—

"The average cost per head per diem is as follows :—

	Under trial.	Convicts.	Sick in hospital.
	A. P.	A. P.	Rs. A. P.
European prisoners	3 5	5 1	1 11 0
Indian prisoners	1 6	2 1	0 6 1½

Questions and Answers.

Persons whose habits and manner of living more nearly approximate to those of Europeans than to those of ordinary Indians are given the same diet as Europeans. The number of prisoners belonging to other Asiatic races is small, and separate statistics regarding the cost of their diet are not available."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXII. (*a*) Has the attention of the Government been drawn to any instances of suicide in Bengal which are alleged to have been in consequence of the abnormal rise in the price of cloth? Cases of suicide due to rise in the price of cloth.

(*b*) If so, will the Government be pleased to make a statement in regard to the circumstances of each such case?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) No such case has been reported by the police, but the attention of Government has been called to paragraphs in the *Pabna Bogra Hitaishi* of the 6th February and in the *Bangavasi* of the 9th February, alleging that two cases have occurred in the Ulubaria subdivision. The District Magistrate has been asked to inquire into the matter."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXIII. Are the Government considering the desirability of approaching the Government of India with a suggestion that action may be taken under Rule 11-J of the Defence of India (Consolidation) Rules, 1915, for the purpose of controlling the supply of *dhoties* and *saries* in Bengal? Control of the supply of *dhoties* and *saris*.

Answer by the Hon'ble MR. DONALD :—

" The matter is already under discussion with the Government of India, and attention is invited to the remarks on the subject by His Excellency the Viceroy in the Imperial Legislative Council on the 6th February, 1918."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXIV. (*a*) With reference to the answer to clause (*d*) of my unstarred question No. XL of the 18th December, 1917, will the Government be pleased to state whether the possibilities of the manufacture of salt on the Chittagong side of the Bay of Bengal were inquired into before the memorandum, dated the 5th April, 1917, referred to in the said question, was drawn up? Inquiry into the possibility of salt manufacture in Chittagong.

(*b*) If not, why not?

(*c*) When were the possibilities of the manufacture of salt on the Chittagong side of the Bay of Bengal first brought to the notice of Government, and by what agency?

(*d*) Have the Government undertaken any inquiry, with the assistance of the Commissioner of Excise and Salt and his expert staff, into the conditions of brine on the Chittagong side, particularly at Cox's Bazar and the south? If so, when, and with what result?

(*e*) With reference to the " lack of easy communication " referred to in the said answer, have the Government ascertained how such communication can be improved, if necessary?

Questions and Answers.

(*f*) Will the Government be pleased to state whether they are considering the desirability of forwarding a supplementary memorandum to the Government of India embodying the results of a thorough inquiry into the possibilities of the manufacture of salt on the Chittagong side of the Bay of Bengal?

Answer by the Hon'ble MR. DONALD :—

"The memorandum in question was prepared in connection with the examination of the possibility of reviving the manufacture of salt in Bengal, in particular, by the adoption of processes, including the vacuum process, similar to those followed in the United Kingdom. Specific suggestions were not then made or enquired into as regards the Chittagong side of the Bay, but in the end of October, 1917, in forwarding a suggestion from the Collector of Chittagong that the question of manufacture in Noakhali and Chittagong might be considered, the Commissioner of Salt discussed the possibilities of manufacture on the Chittagong coast. While this was under consideration applications for permission to manufacture were received, with reference to which the question is now being determined. The expert staff are assisting persons desirous of manufacturing salt, and if any one desires to manufacture from sea water he will be advised as to the suitability of the brine. Government do not propose sending any supplementary memorandum to the Government of India until the need of so doing arises. As regards communications to the south of Chittagong, a detailed survey of a proposed railway from Chittagong towards Burma has recently been sanctioned, and its construction would improve the main line of communications in this area."

NOTE.—There was a mistake in the printed copy of the answer against clause (*d*) of the Hon'ble Member's unstarred question No. XL of the 18th December, 1917. The answer given was intended to cover clauses (*d*) and (*e*).

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Village Union Committees.

XXV. Will the Government be pleased to lay on the table a list of the Village Union Committees that have been constituted up to date in the Burdwan Division, giving the names of villages included in each Union Committee and stating also the area and population within their jurisdiction and the names of the members?

Answer by the Hon'ble MR. O'MALLEY :—

*"A list is laid on the table."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Land acquisition for the excavation of tanks by the District Boards of the Burdwan and Presidency Divisions.

XXVI. Will the Government be pleased to state the amount of money actually spent this year by each of the District and Local Boards of the Burdwan and Presidency Divisions for the acquisition of lands for the excavation of tanks for pure drinking water?

Answer by the Hon'ble MR. O'MALLEY :—

"A statement is laid on the table."

* Not printed in these proceedings.

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. XXVI (unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council meeting of the 19th February, 1918, showing the amounts spent by District and Local Boards in the Burdwan and Presidency Divisions on the acquisition of land for the excavation of tanks for pure drinking water during 1917-18.*

Name of District Boards.	Amount spent.
	Rs.
Birbhum	463(a
Bankura	173
Midnapore	172
Howrah	881
24-Parganas	8,241

(a) This amount was spent on the acquisition of a tank.
Note.—The District Board of Burdwan has provided Rs. 5,200 for the acquisition of land for tanks.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXVII. Will the Government be pleased to lay on the table a copy of the letter No. 303, dated the 23rd September, 1854, from Mr. W. H. Elliot, the Commissioner of the Burdwan Division at that time, to the Board of Revenue regarding the proposed abandonment of the embankments between the Damodar and Roopnarayan rivers? Embankments in Burdwan.

Answer by the Hon'ble MR. COWLEY :—

" A copy of the letter is laid on the table. "

Copy of letter referred to in the answer by the Hon'ble MR. COWLEY *to question No. XXVII (unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council Meeting of the 19th February, 1918.*

No. 303.

Hooghly, the 23rd September, 1854.

To

THE BOARD OF REVENUE,
Fort William.

GENTLEMEN,

In reply to various orders received from you since March of last year regarding the proposed abandonment of the embankments between the Damodar and Rupnarain rivers, I have at length the honour to submit the following report, and regret my inability to lay before you one more satisfactory.

2. The main objects of the enquiry instituted under your orders by Deputy Collector Babu Jadav Chandra Chatterji were first to ascertain the feelings of the landholders regarding the abandonment of the bunds, and second to obtain some idea of the extent of the benefit on the one hand, and of the injury on the other likely to arise from that measure.

3. I now submit in original the papers below noted—and from the Offg. Collector's report, para. 4, it appears that all the landholders attended either personally or by their attorney before the Deputy Collector and gave in the required papers regarding the existing state of the country and their motives of acquiescence or otherwise in the proposition; and that the Deputy Collector personally visited every village to examine its present state; settled its bounderies in the presence of the Gomastas, Mandals and Raiyats; measured and assessed the lands; ascertained the quantities of cultivated

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and waste; and noted those likely to be inundated and those parts which the floods will not reach; and finally compared the papers supplied to him by the landholders and their agents with the result of his own observations. This enquiry occupied him six months and 24 days and has been a most laborious work which he seems to have executed with much assiduity and ability.

4. Mr. Bidwell, Offg. Commissioner, supplied to the Deputy Collector in January last the form given in the margin (shown below), in which he was to abstract all the information he could collect. This he has done in appendix A, Nos. 1-2-3, and a few particulars may at once be mentioned by me.

Name of Pargana.	Name of Mouzah.	Name of Zamindar and Putneedar.	Existing state of the Mouzahs which would be exposed to inundation by removal of the bunds.						Mufassal Jamah of the Mouzah.	Extent to which it would be affected by the inundation.	What portion of the Mouzah would probably be improved by alluvion.	Remarks. Note.—The sentiments of each zamindar and putneedar to be recorded separately and distinctly in this column.
			Land.			Crops grown.	What extent of land would not be liable to injury by the inundation.	What extent would be liable to injury.				
			Cultivated.	Waste.	Jungle.							

5. Of 285 landholders whose opinion the Deputy Collector has recorded 110 are for and 175 against the project in view and I believe it will be found that of those favourable to it the consent of the majority is only conditional upon, or rather, given under the supposition of, the Government indemnifying them for all possible losses.

6. The amount of land surveyed by the Deputy Collector is as follows:—

		B.	K.	CH.	G.
Cultivated	... ...	407,184	3	13	4
Waste	... ...	47,830	9	4	14
Jungle	... ...	2,075	18	12	0
Total area	...	457,090	11	13	18

of which the estimated mufassal jama amounts to Rs. 937,125-12-3, the probable loss from expected inundation is estimated at Rs. 85,241-14-1 and the probable gain upon lands to be improved by alluvion Rs. 26,169-14-11.

7. The details of these estimates, shewing the probable loss and gain of each village and of each landholder are shown in appendices 1-2-3 and 4 respectively.

8. The Deputy Collector speaks of the villages on the banks of the rivers as generally good and fertile owing to the deposits left by the floods: some lands yielding goods crops of mulberry at a rental of 6 to 10 rupees per bigha; others pulse, vegetables, etc., at 3 to 5 rupees and the yet lower sandy lands producing cucumbers and melons at a rental of 2 to 3 rupees. These high rates are rarely obtainable within the embankments and render it difficult to account for the objections raised to the proposal by the landholders and he very justly observes that great caution will be required in estimating the extent of the injury which cannot be fairly judged of within 2 or 3 years and no rash engagements or provisions should be made. He inclines to the opinion that the injury will be far less and the gain far more than is now expected. This opinion the Offg. Collector warmly supports as agreeing with the impression made on his mind during his inspection of the country in March last and it entirely agrees with my own views of the subject formed years ago.

9. Both officers agree in the necessity of an enactment empowering the executive officers to level all bunds public or private which may interfere with the scheme and this with special reference to para. 9 of your letter of the 1st March 1853, No. 96, in which you remarked that "the country on the right bank of the Damodar is in some parts covered with a network of embankments erected by individual proprietors." Upon this point I wrote in paras. 16 and 17 of my report of the 24th ultimo No. 248 and the subject has already engaged your attention and been provided for in your Draft Act.

10. I find that the local enquiries of both officers have led them to the conclusion that some safety valve for the surplus water of the Damodar is urgently needed.

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11. In para. 13 of my letter just above cited I mentioned having learned that it is the opinion of many intelligent natives that the inundations of the Damodar used not to be in olden times nearly so bad as they are now and that their increased ravages are attributed to the gradual filling up of sundry old water-courses which used to relieve the river stream—that opinion is now supported by the judgment of both these officers.

12. The Deputy Collector, having carefully viewed the existing nalas, proposes a canal 64 miles long and 60 feet broad. The excavated earth to be formed into a bund on each side 60 feet from the edge of the canal, this giving to the floods a waterway of 180 feet wide. He would commence the canal at Sumbutteegola or Seneteegola above Burdwan and carry it down along the green dotted line in his map to Pansoolee. Of this work 54 miles would be new, but facilitated by the natural water-courses and 10 miles would be the Rora Khal already existing in Hirapur but requiring enlargement. The expense of the work itself which must be calculated by Engineers would doubtless be enormous and the cost of 3,840 bighas of land required for it would also be great.

13. The Officiating Collector modifies this proposal by one for a canal from Rajbulhat to Marokhana, marked red in the map—which though much shorter and consequently far less expensive would, he thinks, be equally effectual:—but it could be so only or mainly to its own extent—it would not equally benefit the country nearer Burdwan.

14. Another proposal of the Officiating Collector is to reopen the old bed of the Damodar from Salimabad, on the north of the Hooghly district now known as the Kana Nadi—to the Hooghly river at Tribeni. This is the plan, which what I have casually heard on the subject, leads me to think most desirable; and it would—apart from the relief of inundation— be a very great blessing to the internal commerce of these districts by affording a safe and easy passage to the Presidency marts.

15. The Officiating Collector mentions having seen repairs going on in the canal between Kolaberia and Musreka and says it would be very advantageous to carry on the work to Koilaghat, and I may here observe that a proposition regarding the enlargement of the Bakshee khal in the Howrah district has been before the Government and may tend to the relief of the Damodar.

16. I have reserved for this opportunity the transmission to your Board of a letter of the 26th June last, No 182, from the Officiating Collector of Burdwan reporting with reference to your letter of the 25th April last, No. 81, the number of houses and huts between the old and retired embankments in his district. He mentions a great discrepancy between the statements prepared by Mr. Collector Ward and Lt. De Bourbel both having been to the spot but that of Lt. De. Bourbel is more likely to be correct* and he explains that in some instances Mr. Ward, giving the name of one village only, included the habitations comprised in several.

* Because he is intimately acquainted with the Government bunds and would know what to include and what to omit which Mr. Ward did not know.

17. Lt. De Bourbel reports the total number of houses and huts to be 620 and of inhabitants 26,485 but the Offg. Collector, Mr. Young, thought that the population might safely be estimated at 46,026 according to the following abstract:—

Residence.				Supposed by Lt D Bourbel to contain—			By Mr. Young—
134	Pukka houses	@	5	670	@	15	2,010
3,807	Large huts	@	5	19035	@	8	30,456
291	Small huts	@	3	873	@	6	1,746
1,969	Mat huts	@	3	5,907	@	6	11,814
6,201				26,485			46,026

18. In reviewing the whole subject I cannot but admit that very considerable injury will be caused by giving up the embankments, that great expense must be borne by the State, in paying for such portions of that injury as may be found fairly chargeable to it; and that excessive annoyance will arise in the investigation of the claims that will be made and for the instant investigation of which a thoroughly efficient establishment must be maintained as the Revenue officer will be utterly unable to undertake the work and delay will be ruinous. Indeed I think that a legislative enactment will be required to enforce the bringing forward of claims for compensation within six months at farthest of the date of injury; as if this be not done, no means of estimating the damage on the spot will be available and after the lapse of years claims may be brought forward which it will be equally impossible to refute and inexpedient to pay.

19. I have never regretted so much as now the absence of a thoroughly good survey of this part of the country. Had the revenue survey been completed the data afforded by it might be compared by the survey officers year by year with the state of the country after each inundation and a satisfactory estimate of the profit and loss obtained.

Questions and Answers.

20. But though so much may be said against the scheme and so great difficulties are evidently to be encountered, I still hope it may be undertaken in the belief that, if it be so, with due precaution it will in the end prove immensely beneficial and I would thus state both sides of the case.

First.—The Deputy Collector estimates the loss at Rs. 85,241-14-1 and the gain at Rs. 26,169-14-11, showing a deficit of Rs. 59,071-15-2, but the Maharaja of Burdwan alone pays Rs. 57,324-12-10 per annum on account of embankments which need no longer be kept up and thus the estimated loss payable by Government will be very nearly covered.

I suppose that this estimate relates to the good and evil likely to arise year by year for some few years till alluvial deposits shall have raised the general level of the country.

Second.—Though the embankment officers may be otherwise employed, a large establishment will still be required for some years to report upon the state of the country after each rainy season and the sum paid by the Maharaja for embankments will be swallowed up by payments for injuries sustained, but this will cease after a few years, whilst the payment of the Maharaja, if the Government reimburse the losses, giving them (the Maharaja and his patanidars) all the gain, must be perpetual—although the bund originally maintained by it may be done away. If there be any doubt on the subject, it must be met by a new law, which will but support the side of Justice, for the Government may fairly say to the Raja:

"It is true that you engaged to pay Rs. 57,324-12-10 annually for the specific purpose of keeping up by Government officers the embankments you were formerly obliged to keep up yourself. The arrangement was made for your benefit and not for ours, but long experience has now shown that the embankments never have given and never can give the desired security. It is believed that their abandonment will place you eventually in a far better position than that in which you now are. The State will bear all the loss—you will reap all the gain, paying neither more nor less than hitherto."

Third.—I have said above that the want of a revenue survey is to be deplored, but Lt. Dicken's note of the 28th November 1853 shows that the Executive Officers have most elaborate calculations of the varying levels of the whole country affected and from those calculations, the officers in the D.P.W. already intimately acquainted with the country and assisted by Revenue Officers with the aid of the statements now submitted by the Deputy Collector may obtain each season a very close approximation to the amount of loss and gain that has occurred. Provided always, as I have said above, that a law be passed requiring all claims for loss to be preferred within six or even three months.

Fourth.—It is greatly to be lamented that injury to the houses or crops or lands of the people cannot altogether be avoided and may be very great. But I firmly believe it will be far less than has been contemplated and it is to be remembered that this scheme will not expose what has hitherto been safe or only in very few instances. I have always regarded the protection of the bunds as next to nominal. Trusting to them, houses have been built and crops sown and cattle penned and human beings located where they would not have been but for the bund: the bund has burst and all under its shadow have been swept away. Whereas in places naturally exposed and not artificially protected the same amount of inundation does no harm, but good. The people know that they must expect it—their houses are therefore built and their cattle kept on high spots out of its reach and the low lands are planted only with dry weather crops or with rice which will rise with the water. When the existing bunds are demolished the people thereby affected will become equally cautious, and my firm belief is that for every bigha of land permanently injured at least two will be permanently improved.

21. Since I wrote the above, I have received back from the Officiating Collector the enclosures Nos. 1 to 8 in a greatly improved form. They were so confused as to be almost unintelligible, but I trust that the additions and alterations which have been made in accordance with my suggestions have rendered them so much more plain and easy of reference that they will be found really valuable and may obtain for the Deputy Collector the credit he appears to me to deserve.

I have, etc.,
(Sd). E. H. ELLIOT,
Commissioner.

By the Hon'ble KUMAR SHIB SHEKHARESWAR RAY:—

Proposed bridge on the Sara-Serajganj Railway.

XXVIII. (*a*) Will the Government be pleased to state the result of the investigations in connection with the proposed bridge near Jhaul Bazar on the Sara-Serajganj Railway?

(*b*) Is it a fact that so early as the year 1915 the Government received recommendations from the Superintending Engineer of the Northern Circle and also from other local authorities for the construction of the said bridge?

Questions and Answers.

(*c*) Are the Government aware of the hardship to which the local public are put owing to the obstruction of natural waterways between Serajganj and Dilposar on the Sara-Serajganj Railway?

(*d*) Are the Government contemplating any action in this matter before the next rains set in?

Answer by the Hon'ble MR. COWLEY :—

" (*a*) Investigation has shown that a 20 feet span culvert is necessary near Jhaul Bazar.

(*b*) Yes.

(*c*) Government are aware that waterways and headways, amply sufficient for the country boat traffic of this part of the country and for adequate and efficient drainage of the areas affected by the railway embankment, are of vital importance to the welfare of the inhabitants and efficient sanitation. On investigation, Government are of opinion that to secure the above conditions, an increase of headway under the Ichamati River Bridge under three small culverts, Nos. 28, 32 and 37, and the construction of a 20 feet culvert near Jhaul Bazar is necessary and have accordingly recommended these improvements to the Railway Board.

(*d*) An enquiry has recently been made from the Railway Board whether the culvert near Jhaul Bazar is likely to be completed before next flood season. A reply has not yet been received."

By the Hon'ble KUMAR SHIB SHEKHARESWAR RAY :—

XXIX. (*a*) Has the attention of the Government been drawn to the allegations of oppression made against the police during the inquiry in connection with *hât*-looting cases in Rangpur? Alleged police oppression in connection with *hât*-looting cases.

(*b*) Are the Government considering the desirability of instituting an enquiry into the allegations against the police?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) The Hon'ble Member is referred to the reply given to question No. XXXII."

By the Hon'ble MR. ALTAF ALI :—

XXX. Will the Government be pleased to state why the Junior Madrassa at Rajshahi is under the control of the Principal of the Rajshahi College, while some other institutions in the same compound are under the control of the Inspector of Schools? Junior Madrassa at Rajshahi.

Answer by the Hon'ble MR. O'MALLEY :—

" It was decided in 1883 to abolish the Rajshahi Madrassa, but in 1884 in consequence of a representation from the Muhammadan inhabitants of Rajshahi requesting that the junior classes should be maintained in connection with the college, the retention of the classes was sanctioned on the understanding that they were to be treated as a branch of the Rajshahi College. The Madrassa was accordingly placed under the control of the Principal of the college, and he has continued to exercise control over it up to the present."

Questions and Answers.

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

Transactions in jute.

XXXI. (*a*) Are the Government aware that the jute dealers in their transactions with the jute mills are invariably obliged to employ brokers?

(*b*) Are the Government considering whether any arrangements can be made for the purchase of jute direct from jute-growers without the intervention of brokers, as is being done at Naugaon in connection with the sale of *ganja?*

Answer by the Hon'ble MR. DONALD :—

" (*a*) Government are aware that it is the usual practice for jute mills to make their purchases of jute through the medium of brokers.

(*b*) Government are not considering the matter at present; they previously made an exhaustive enquiry into the functions of the agencies through whose hands jute passes between the cultivator and the mill, and had come to the conclusion that a satisfactory system of co-operative sale had not yet been devised."

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

Police and *hât* looting cases.

XXXII. (*a*) Are the Government aware of the allegations made against the police that after the recent looting of the *hâts* in Northern and Eastern Bengal, they extorted considerable sums of money from villagers, threatening arrest if not paid?

(*b*) Are the Government contemplating the appointment of a Committee consisting of both officials and non-officials—

(*i*) to inquire into the cases of such extortion and oppression alleged to have been committed by the police;

(*ii*) to inquire into the causes of the looting; and

(*iii*) to suggest remedies for the prevention of such occurrences in future?

Answer by the Hon'ble MR. KERR :—

" (*a*) Yes. Government have directed inquiries to be made into all the specific allegations which have come to their notice, and have impressed upon Commissioners and District Officers the necessity for prompt investigation by responsible officers into any specific charges that may be brought

(*b*) No case for such action has so far been established."

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI asked the following supplementary question :—

"Are the Government aware that poor peasants are afraid and generally do not come forward to bring criminal proceedings against the police?"

The Hon'ble SIR HENRY WHEELER replied :—

"I am not prepared to answer such a general question either in the affirmative or in the negative."

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

Special Tribunals for *hât* looting cases.

XXXIII. (*a*) Will the Government be pleased to state the reasons which led the Government to appoint Special Tribunals under the Defence of India (Criminal Law Amendment) Act, 1915, to try the re ent *hât*-looting cases?

(*b*) Are the Government aware that the trial of these cases of crime by Special Tribunals and the consequent curtailment of the right of appeal have given rise to a good deal of indignation and resentment amongst the public?

(*c*) Are the Government contemplating the abolition of the Special Tribunal Courts and the trial of these cases by the ordinary criminal courts?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (*a*) The reason was the necessity of checking recent outbreaks of lawlessness by bringing the offenders to speedy trial and of avoiding congestion of business in the ordinary courts.

(*b*) Government have seen criticisms in some quarters of the appointment of these tribunals, but they are not prepared to accept as correct the general inference suggested by the question.

(*c*) No."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXXIV. Will the Government be pleased to make a statement as to the steps actually being taken to reduce the price of salt in Bengal? Price of salt in Bengal.

Answer by the Hon'ble MR. DONALD :—

" Steps are being taken in accordance with rule 11 J of the Defence of India (Consolidation) Rules, with a view to fixing the maximum prices at which salt may be sold."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXXV. Will the Government be pleased to lay on the table a statement showing the number and the nature of the criminal cases for offences committed against the provisions of the salt law in Bengal— Offences against the salt law.

(*a*) between the date of the enhancement of the salt tax in March, 1916, and August, 1917, and

(*b*) between September, 1917, and January, 1918, together with the dates on which the cases were instituted?

Answer by the Hon'ble MR. DONALD :—

" A statement giving the information asked for will be laid on the table at a subsequent meeting of the Council."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXXVI. (*a*) Is it a fact that the Government have received applications from certain persons for permission to manufacture salt? Manufacture of salt by private persons.

(*b*) If so, will the Government be pleased to state the names of the applicants and the places where they propose to manufacture salt?

(*c*) What orders, if any, have been passed on such applications?

(*d*) Will the Government be pleased to lay on the table copies of such applications?

(*e*) Have any orders been passed on the application of Abdul Barik Hai of Noakhali referred to in unstarred question No. XXXVI by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at the meeting of the Council of the 22nd January last?

Questions and Answers.

Answer by the Hon'ble MR. DONALD :—

"(*a*) Yes.

(*b*) Applications were received by Government from the following gentlemen for permission to manufacture salt in the districts mentioned against their names :—

(1) Babus Surendra Chandra Ghosal and Digendra Chandra Ghosal—Chittagong.

(2) Babu Mohendra Chandra Ghosal.—Chittagong.

(3) Abdul Barik Haji, of Huddakhali.—Noakhali.

It is understood that the Collector of Chittagong has also received other applications which are under his consideration.

(*c*) The applications received by Government were of rather a vague character, and the applicants were therefore requested to further examine their proposals in consultation with the expert staff, and then to state whether they still desired to proceed. As no definite reply has yet been received, no orders have been passed on the applications, with the exception of that of Abdul Barik Haji.

(*d*) Copies of the applications received by Government are placed on the table.

(*e*) The Commissioner of Chittagong rejected the application."

Copies of applications referred to in the answer by the Hon'ble MR. DONALD *to question No. XXXVI, asked by the Hon'ble* BABU AKHIL CHANDRA DATTA *at the Council meeting of the 19th February, 1918.*

TO THE COLLECTOR,
Chittagong.

The humble petition of Surendra Chandra Ghosal and Digendra Chandra Ghosal, sons of Nanda Kumar Ghosal, merchants, Station Road, Chittagong

MOST RESPECTFULLY SHEWETH :—

1. That your humble petitioners are importers of Spanish, Aden and Port Said salt in Chittagong.

2. That owing to the want of tonnage occasioned by the war, your humble petitioners are feeling great difficulty in obtaining supply from the above-said places.

3. That the price of salt has abnormally increased owing to the above-said reason and there is likelihood of further increase.

4. That the price has gone up so high at present that it is necessary in the interests of the public that local manufacture of salt should be allowed at once.

5. That your petitioners have resources enough to manufacture salt at Chittagong on a large scale.

6. That your petitioners are willing to abide by all terms and conditions that may be imposed by your honour for the manufacture of salt in Chittagong.

It is, therefore, humbly prayed that your honour will be pleased to grant the petitioners license to manufacture salt in Chittagong on reasonable terms, and for this your petitioners shall ever pray.

SURENDRA CHANDRA GHOSAL.
DIGENDRA CHANDRA GHOSAL.

CHITTAGONG,
The 30th November, 1917.

Questions and Answers.

Dated Chittagong, the 6th December, 1917.

From—Mohendra Chandra Ghosal and Ramkamal Ramballay Shaha,
To—The Collector of the Chittagong Division.

We beg to bring to your kind notice that our firm is a very respectable and long-standing one in this district and has been dealing in salt for 60 years last, and has a very extensive business in this line, not only in this district, but also all over East Bengal and Assam. We have so long been importing salt directly from Europe and supplying the markets till the last year. But owing to the dangers and difficulties created by the war and want of vessels and means of transport, it has now become almost impracticable to import salt from European ports and even from Aden, so that the price of salt has now been excessively raised and the public have been greatly affected thereby. It is thus feared that in no very distance of time it will be well-nigh impossible to obtain any supply and meet the demands of the markets.

Under the above circumstances we are desirous of manufacturing salt in Chittagong, which, being a sea-port town, is advantageous for the purpose and is sure to yield any quantity of salt from the sea-water. We may bring to your kind notice that salt was extensively manufactured in Chittagong for a very long time under Government management, and it was about 1858 that the manufacture was discontinued.

We, therefore, beg to request the favour of your kindly recommending the Local Government to grant us license to manufacture salt in Chittagong, for which we are ready to pay the requisite fees and other charges and abide by the rules that may be framed by Government, and to procure us the said license prayed for to enable us to commence the work as soon as possible, so that the price of salt may be reduced by which the public may be extremely benefited, and for this act of kindness we shall be ever grateful.

Translation of the petition of Abdul Barik Haji.

I, Abdul Barik Haji, son of late Aminuddin Miaji, of Huddakhali, police-station Sandip, beg most respectfully to state that the inordinate rise in the price of salt prevents the inhabitants of Sandip from buying that article. I humbly submit that I can agree to sell salt at Sandip, Char Badu and Char Siddhi at one anna per seer for ten years and to pay Government duty at the rate of Rs. 1,000 per annum. I, therefore, pray that I may be granted permission to manufacture and sell salt at Sandip, Char Badu, Char Siddhi and other places on an agreement for ten years and to pay Government an annual duty of Rs. 1,000.

(Sd.) ABDUL BARIK.

The 4th December 1917.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXXVII. (*a*) Will the Government be pleased to state whether they have issued any circular or order to the excise authorities asking them not to prosecute people for the manufacture of salt for domestic consumption? Circular regarding salt manufacture.

(*b*) If so, when was that circular or order issued?

(*c*) Will the Government be pleased to lay the same on the table?

Answer by the Hon'ble MR. DONALD :—

" (*a*) It is correct that instructions were issued to the Salt Department that, pending further orders, the manufacture of salt on a small scale and primarily for personal and domestic consumption might be ignored.

(*b*) On the 11th December, 1917.

(*c*) The purport of the orders is cited above; the letter itself was confidential and addressed to the Commissioner of Excise and Salt, and Government do not propose to lay it on the table."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

A case under section 110 of the Criminal Procedure Code

XXXVIII. (*a*) Has the attention of the Government been drawn to a case under section 110 of the Code of Criminal Procedure decided by Mr. A. T. Mukharji, Fifth Presidency Magistrate of Calcutta, against one Parameswar and twenty-six other carters?

(*b*) What was the total number of witnesses examined in that case both for the Crown and for the defence?

(*c*) Is it a fact that the above-named Magistrate was specially deputed for the trial of this case, and that the case dragged on for one year and five months? If not, how long did the trial last?

(*d*) Is it a fact that all the accused have been acquitted?

(*e*) Is it a fact that the Magistrate came to the finding—" I unhesitatingly consider that the accused are not the kind of men to be dealt with under section 110 of the Code of Criminal Procedure?"

(*f*) What is the total amount of the cost incurred by the Government for the prosecution of this case? Is it a fact that over Rs. 40,000 has been spent by the Government in this case?

(*g*) How much was spent on account of fess paid to the lawyers for conducting the prosecution and how much for procuring the attendance and evidence of the witnesses for the Crown?

(*h*) Have the Government instituted any inquiry as to whether there were any justifiable grounds for starting the prosecution?

(*i*) If not, are the Government considering the desirability of making such inquiry?

(*j*) Are the Government considering the desirability of taking such steps as may be considered necessary to prevent such prosecutions in future?

(*k*) Is there any rule or circular fixing the maximum cost which may be incurred by the Government in this class of case?

(*l*) If not, are the Government considering the desirability of laying down a rule fixing such maximum?

Answer by the Hon'ble MR. KERR :—

" (*a*) Yes.

(*b*) Three hundred and sixty-two for the prosecution and five hundred for the defence.

(*c*) Some of the accused appeared before the Chief Presidency Magistrate on August 8th, 1916, and the others on various dates in August and September. The case was made over to Babu Ashutosh Mukharji on September 25th. The hearing was finished on November 13th, 1917, and judgment was passed on January 21st, 1918.

(*d*) All the accused have been discharged.

(*e*) The Magistrate said :—' I unhesitatingly come to the conclusion that these accused are not the men who should be dealt with under sections 110 and 118, Criminal Procedure Code.'

(*f*) and (*g*) A sum of Rs. 14,000 was spent on Vakils' fees and Rs. 973 on preparing the brief. Particulars regarding the other expenses incurred in the case are not at present available.

(*h*), (*i*) and (*j*) The Commissioner of Police is being asked for a report on the case, and the matter will be further considered when his reply is received.

(*k*) No.

(*l*) The circumstances of different cases may vary so greatly that it is not apparent how any such general maximum could suitably be imposed."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXXIX. Will the Government be pleased to lay on the table the statement made by Anath Bandhu Chaudhury of the Bolepur School in consequence of which he was arrested on the 22nd December last, under Rule 12 A of the Defence of India Rules, as mentioned in the *communiqué* issued by the Government? A *détenu's* statement.

Answer by the Hon'ble MR. KERR :—

" Government do not consider it desirable to lay the statement on the table."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XL. (*a*) Are the Government aware that the district of Tippera was hitherto remarkably free from malaria? Malaria in Tippera.

(*b*) Is it a fact that for some time past several parts of Tippera have been contaminated by malaria?

(*c*) Has the attention of the Government been drawn to the fact that malaria is making steady progress in Tippera?

(*d*) Have the Government instituted any inquiry as to the causes of the spread of malaria in Tippera?

(*e*) If so, will the Government be pleased to state the result of the inquiry?

(*f*) If not, will the Government be pleased to state whether they are considering the desirability of instituting such an inquiry?

(*g*) What steps, if any, are the Government taking to arrest the course of malaria in Tippera?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Yes.

(*b*) and (*c*) Malaria appears to be on the increase in some parts of the district.

(*d*) No.

(*e*) This question does not arise.

(*f*) and (*g*) Public health is primarily a duty of the District Board, and in June, 1917, the Board was urged by the Sanitary Commissioner to take antimalarial measures. Government will institute an inquiry if the District Board will co-operate."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XLI. Will the Government be pleased to state the number of human beings and cattle killed in Bengal during each of the last five years by tigers and other wild animals? Ravages by wild animals.

Answer by the Hon'ble MR. KERR :—

" The figures for the years 1912—1916 are given below. The figures for 1917 are not yet available. After the year 1915 the compilation of returns showing the number of cattle destroyed by wild animals was discontinued under the orders of the Government of India :—

	Human beings.	Cattle.
1912	408	4,950
1913	293	5,022
1914	332	4,750
1915	423	4,185
1916	367	...... "

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Administration of the Arms Act.

XLII. (*a*) Will the Government be pleased to state whether they have received any communication or instruction from the Government of India to give effect to the declaration of His Excellency the Viceroy that all racial disabilities in connection with the administration of the Arms Act will be removed?

(*b*) If so, will the Government be pleased to state what these instructions are, and to lay the same on the table?

(*c*) Has there been, after the aforementioned declaration of His Excellency the Viceroy, any correspondence between the Government of Bengal and the Government of India on the subject of the removal of the disabilities and restrictions which now apply to the Indians in the matter of arms?

Answer by the Hon'ble MR. KERR :—

" The views of the Government of Bengal on this question were submitted to the Government of India before His Excellency the Viceroy referred to the matter in his speech in the Imperial Legislative Council on the 5th September, 1917. Since that date no further communication has been received from the Government of India on the subject. Government are not prepared to lay the correspondence on the table."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Kristopur Canal and the Jotra Gachi *bhil*.

XLIII. (*a*) Is it a fact that " Jatra Gachi " *bhil*, about 5 miles east of Calcutta, used to yield a good paddy crop a few years ago?

(*b*) Is there any truth in the statement that the excavation of the Kristopur canal by the Government has almost completely destroyed the fertility of a large number of villages surrounding the *bhil* and has proved a source of immense loss to the cultivators?

(*c*) What income has the canal yielded to the Government during each of the last five years?

(*d*) With what object in view was the canal excavated by Government?

(*e*) Is it a fact that the water level of the canal is lower than that of the *bhil* and that the accumulated waters consequently find no way of egress?

(*f*) What immediate steps, if any, are in the contemplation of the Government to solve the problem?

Answer by the Hon'ble MR. COWLEY :—

" The Hon'ble Member is referred to the Press *communiqué* issued from the Irrigation Department on the 30th of November, 1917. A copy of the *communiqué* is placed on the table.

(*a*) It is not a fact.

(*b*) There is no truth in the statement.

(*c*) Accounts are kept for the whole system of canals in the vicinity of Calcutta, and, as no separate accounts are kept for the Kristopur canal, the information is not available.

Questions and Answers.

(*d*) The Kristopur canal was excavated to afford a direct connection between the Circular canal system, consisting of the still-water canals between Chitpur and Dhappa locks, with the Bhangore khal system which was a still-water canal between Bamonghatta and Kulti locks. The canal was also constructed to provide an alternate easy route for the boat traffic to and from eastern districts in place of the Bidyadhari river route which was silting up.

(*e*) It is not a fact that the water level of the canal is lower than the bed level of the *bhil*. The canal water is maintained at a normal level of 6 feet above mean sea level. The lowest land level in the *bhil* is about 3 feet above mean sea level. The ordinary paddy land in the *bhil* is about 5 feet above mean sea level. It is not a fact that the accumulated water finds no way of egress from the *bhil*. The water in the *bhil* is drained through regulators or sluices into the canal, which, in its turn, is drained by sluices constructed at Thakurdari on the Paran Chaprasi's khal and by the sluices on the Harwa Gong at Kulti. To permit of final drainage at harvest time, the water level in the canal is lowered to 3 feet above mean sea level.

(*f*) In view of the statements made in the previous answers, the question does not arise."

Press Communiqué of the 30th November, 1917, regarding the drainage of the Ghooni and Jattragachi Bheels in the 24-Parganas referred to in the answer by the Hon'ble MR. COWLEY *to question No. XLIII (unstarred) asked by the Hon'ble* BABU AKHIL CHANDRA DATTA *at the Council meeting of the 19th February, 1918.*

The attention of the Government has been drawn to an article in the issue of the *Amrita Bazar Partika*, dated the 23rd November 1917, headed "Why Responsible Government is wanted" which made certain statements about the drainage of the Ghooni and Jattragachi Bheels in the 24-Parganas. The statements made were :—

"(1) That previous to the construction of the Kristopur Canal, the bheels drained easily through two natural channels and that the whole area of the bheel yielded a luxuriant paddy crops.

(2) That as a result of the construction of the Kristopur Canal this bheel tract has been rendered useless as the free flow of water has been stopped by this Canal.

(3) That the Canal has been constructed by Government to derive an income of about a lakh of rupees per year and the Government was not justified in creating this new source of income without making provision for free passage of accumulated water.

(4) That the Executive Engineer, Circular and Eastern Canals Division, in his letter No. 5465 of the 18th September 1914, suggested that works for the improvement of drainage of these bheel areas should be paid for by the parties benefited, but the article raised the question whether they should pay for this or the Government which is reaping a splendid income from the Canal."

These allegations contain certain misstatements. In the first place it is not a fact that the Kristopur Canal was constructed without making adequate provision for draining the areas intercepted by this Canal. This area in the Jattragachi Bheel was water-logged before the Canal was constructed. The arrangement is that all the drainage water of intercepted areas including the bheels in question is received through sluices into the canal which in its turn is drained by sluices constructed at Thakurdari on the Paran Chaprasi's Khal ; the drainage is also effected by sluices on the Harwa Gong at Kulti.

Questions and Answers.

The level at which the Canal water is maintained is 6 feet above mean sea level. The level in the bheel in March 1906, previous to the construction of the Canal, was however 3 feet higher. The drainage of the bheels has therefore been improved since the construction of the Canal, and this was stated in the first portion of the same letter, addressed by the Executive Engineer to the Collector of the district, to which the writer of the article appears to have had access. The bheels were in 1906 under water to a much higher level than now; and as that water was saline, a larger area was then unfit for cultivation.

It is also not a fact that the Canal provides an extra income of one lakh of rupees per year. On the contrary, the income of Government is less now than it was before the Canal was constructed. The prime object of the Canal was not to secure increased revenue, but to provide an alternative easy route for the boat traffic to and from Eastern Districts in place of the Bidyadhari River route which was silting up.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Mr. Burton's case.

XLIV. (*a*) With reference to the damage suit brought by Babu Lalit Chandra Das against Mr. Burton, Superintendent of Police, in the Munsiff's Court at Balurghat, is it true that before instituting the suit, Lalit Babu wired to the District Magistrate of Dinajpur and the Commissioner of the Rajshahi Division praying for relief but neither of these officers took any notice of his complaint?

(*b*) What action, if any, are the Government taking against Mr. Burton after the concurrent finding of two courts.

Answer by the Hon'ble MR. KERR :—

" (*a*) Babu Lalit Chandra Das telegraphed to the District Magistrate of Dinajpur on the 22nd February and to the Commissioner on the 27th February, 1915, complaining of the damage and asking for an inquiry. The Commissioner asked the Magistrate for a report, which was received on the 17th March. As the notice of the civil suit had been served on the 15th March, it was decided, on legal advice, to await the suit.

(*b*) Government do not propose to take any action."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Mr. Burton and a Sub-Inspector.

XLV. (*a*) Is it true that Satish Chandra Das, brother of the said Lalit Chandra Das, who was a sub-inspector of police in the Dinajpur district, was degraded to a head constable and was reported for dismissal by Mr. Burton after the institution of the damage suit referred to in question LI?

(*b*) Is it true that the Deputy Inspector-General of Police of the Rajshahi Range, after inquiry, recorded his finding that the sub-inspector, Satish Chandra Das, was unnecessarily harassed and persecuted, and reinstated him with full pay in his former grade?

(*c*) Is it true that the inquiry made by the Deputy Inspector-General of Police has satisfied the Government that Mr. Burton has harassed and persecuted sub-inspector Satish Chandra Das, in consequence of the damage suit brought by his brother against Mr. Burton?

(*d*) Have the Government taken any step to express their disapprobation of the conduct of Mr. Burton in this connection?

(*e*) If so, what has been the step taken? If not, what action, if any, are the Government taking?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) Proceedings were drawn up in July, 1914, by Mr. Burton against sub-inspector Satish Chandra Das in respect of certain irregularities in the investigation of a case which the sub-inspector had reported as non-cognizable, but which was sent up under the orders of the Magistrate and ended in conviction. There was great delay in completing the proceedings against the sub-inspector, owing to the fact that both he and other officers concerned had been transferred, from the district. In February, 1915, Mr. Burton visited Porsha thana for the purpose of enquiring into certain other matters relating to the conduct of the sub-inspector, while in charge of the police-station. The breaking down of the fence which had been erected by the sub-inspector's brother outsides the thana took place on the 18th February. On the 4th March, Mr. Burton recorded an order finding the sub-inspector guilty of the charges in respect of which the proceedings had been drawn up, and recommending his discharge from the force on the ground of general untrustworthiness and dishonesty in acquiring land within his jurisdiction in the name of his brother. These proceedings were submitted to the Deputy Inspector-General on the same day. The Deputy Inspector-General returned the papers to Mr Burton, directing him to quote specific instances of conduct on the part of the sub-inspector which could be reasonably considered as dishonest On the 10th May, Mr. Burton passed final orders in the case relating to the proceedings which had been drawn up in July, 1914, directing that the sub-inspector should be degraded to the rank of head constable for one year On the 11th May, he submitted a report on the general charges, in which he asked the Deputy Inspector-General to deal with the matter himself, as any order passed by Mr. Burton might be looked upon as a biassed finding. After further enquiries, the Deputy Inspector-General, Mr. Kemp, in October, 1915, submitted a report to the Inspector-General of Police, recommending the dismissal of the sub-inspector. The Inspector-General of Police thereupon directed Mr. Hutchinson, who had meanwhile succeeded Mr. Kemp as Deputy Inspector-General, to enquire further into the matter. Mr. Hutchinson found no ground for proceeding further with the case, recorded his opinion that the sub-inspector had been most unnecessarily harassed and directed that he should be reinstated in his original grade with effect from the date of his degradation.

(*c*) There is no reason to conclude that Mr. Burton's action was due to the damage suit brought by the sub-inspector's brother. The original proceeding on which the sub-inspector was degraded were started in July, 1914, seven months before the incident which gave rise to the damage suit and Mr. Burton's finding was recorded on the 4th March 1915, twelve days before the notice of the suit was served on him. Moreover, Mr Burton's inquiries into the alleged improper acquisition of land by the sub-inspector were initiated in February, 1915, and after the institution of the suit, Mr. Burton requested the Deputy Inspector-General to deal with the matter himself.

(*d*) and (*e*) Government have expressed their disapproval of the manner in which the original proceedings were handled by Mr. Burton."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XLVI. (*a*) Is it a fact that *détenu* Phanindra Nath Sett was arrested on the 1st July, 1916, and placed in a solitary cell at Dullunda House from the 2nd July to the 12th July, 1916? The case of a *détenu*.

(*b*) Is it a fact that he was thereafter kept in a solitary cell in the Presidency Jail for a long time?

(*c*) Is it a fact that during all this time several police officers induced him by threat and otherwise to admit what they alleged had already been proved by some alleged revolutionaries, but that he did not do so?

Questions and Answers.

(*d*) Is it a fact that after about a month's detention in a solitary cell in the Presidency Jail, a police officer came there one day and proposed to take him to the Kyd Street police-station?

(*e*) Is it a fact that both he and the jail authorities objected to his being taken out of the jail as he had not yet had his evening meal?

(*f*) Is it a fact that in spite of this objection he was taken to the Kyd Street police-station where he was beaten mercilessly?

(*g*) Is it true that besides the assault committed on him nothing more was done or said in the Kyd Street police-station?

(*h*) Is it true that after one hour's stay in the solitary cell in the said police-station he was again brought to the Presidency Jail and had to go without a meal that night?

(*i*) Is it a fact that early next morning he was again taken out of the jail to some police office where he was subjected to all sorts of abuses and indignity at the hands of several police officers?

(*j*) Is it a fact that he repeatedly requested them to formulate their charges against him in writing on a sheet on which he could write down his answers, but that this was not done?

(*k*) Is it true that when his statements were on that occasion taken down by a police officer, he asked him to read out what had been written, but this was not done and his signature was not taken?

(*l*) Is it true that he was again taken to the Presidency Jail at 11-30 A.M. when the morning meal had been served out and that he got nothing to eat till 4 P.M.

(*m*) Is it a fact that he had to go without food for a period of 27 hours?

(*n*) When was he removed from the Presidency Jail? In what place or places was he kept, till the 2nd February, 1917?

(*o*) Will the Government be pleased to state whether they are considering the desirability of formulating charges against Phanindra Nath Sett in writing and of taking such statements from him as he may choose to make in answer thereto?

Answer by the Hon'ble MR. KERR :—

"Phanindra Nath Sett was arrested on the 1st July, 1916, under section 54, Criminal Procedure Code, and kept in police custody until the 12th July, 1916. He was then discharged and arrested under Rule 12 A of the Defence of India Rules and committed to custody in the Presidency Jail until the 9th August, when orders were passed interning him at Dullanda House. On the 18th November, 1916, he was transferred to Ahmadpur in the Birbhum district. On the 29th January, 1917, he was transferred to his father's house in Calcutta, where he is still domiciled. During the time he was at the Presidency Jail he was on one occasion taken out for examination but no statement was recorded; there is no foundation for the allegation that he was kept without food. Although the charges were communicated to Phanindra Nath Sett and his explanation taken, no written charges were formulated as this was not then the custom; orders have been given that this shall be done now.

Although the *détenu* and his relatives have been in constant communication with the officers of Government, and the *détenu* has been in home domicile in Calcutta, no complaint or suggestion has ever been made till now to any officer of Government that Phanindra Nath Sett was threatened, beaten mercilessly or subjected to all sorts of abuses and indignity at the hands of police officers. After a lapse of some 18 months the man has made allegations of ill-treatment and an inquiry into them will now be held."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XLVII. (*a*) With reference to the statements made under section V of the Police Administration Report of 1916 to the effect that "A good deal of eloquence has lately been expended on the subject of increased expenditure on the Police," will the Government be pleased to state whether they are in a position to repudiate the suggestion that the statement has reference to certain discussions by non-official members in this Council in connection with the last Budget? Certain statements in the Police Administration Report.

(*b*) Will the Government be pleased to state whether before answering the unstarred question No. XVIII at the last meeting of the Council, they inquired of the author of the Report whether the suggestion made in that question was true in point of fact?

(*c*) Are the Government aware that the statement quoted above has embittered the feelings of the non-official members?

(*d*) Will the Government be pleased to consider the desirability of issuing instructions to Heads of Departments not to make any disparaging remarks in Administration Reports about discussions in this Council?

Answer by the Hon'ble MR. KERR :—

"(*a*) Government have nothing to add to the reply which was given to the question put by the Hon'ble Babu Bhabendra Chandra Ray on this subject at the last meeting of the Council.

(*b*) It is a matter of common knowledge that the expenditure on the police during recent years has been widely discussed. No such specific inquiry was, therefore, deemed to be necessary.

(*c*) Government have observed that certain members of this Council have taken umbrage at the remark, but they can see nothing in it justifying such strong feeling as is implied in the question.

(*d*) Government do not consider it necessary to issue any such instructions."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XLVIII. Will the Government be pleased to lay on the table a statement giving separately the following particulars about income-tax with respect to the Brahmanbaria, Chandpur and Sadar subdivisions of the district of Tippera :— Income-tax in Tippera.

(*i*) the final demand for each of the years 1914-15, 1915-16 and 1916-17;

(*ii*) the original demand for 1917-18;

(*iii*) the final number of assessees for each of the years 1914-15, 1915-16 and 1916-17;

(*iv*) the original number of assessees for the year 1917-18; and

(*v*) the number of objections to the original demand for the year 1917-18 instituted before the District Officers?

Answer by the Hon'ble MR. DONALD :—

"A statement giving the information is laid on the table."

Questions and Answers.

Statement giving separately the following particulars regarding income-tax in respect of the Sadar, Brahmanbaria and Chandpur subdivisions, district Tippera.

Name of subdivision.	1914-15.		1915-16.		1916-17.		1917-18.			
	Number of assessees.	Final demand.	Number of assessees.	Final demand.	Number of assessees.	Final demand.	Original number of assessees.	Original demand.	Number of objections to the original demand before—	
									Collector.	Subdivisional Officer.
1	2	3	4	5	6	7	8	9	10	11
		Rs.		Rs.		Rs.		Rs.		
Sadar subdivision	425	24,361	448	24,225	437	25,992	512	37,451	5	96
Brahmanbaria ...	356	19,018	369	20,878	397	24,972	448	40,120	1	7
Chandpur ...	348	20,647	326	25,328	338	20,216	380	25,360	4	43

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Proposed subdivision for Tippera.

XLIX. (*a*) Is it a fact that a new subdivision will shortly be started in the district of Tippera?

(*b*) If so, when and where?

(*c*) Will the Government be pleased to state the reasons which have led them to start a new subdivision during the financial stress caused by the war?

(*d*) Will the Government be pleased to state what the probable initial cost would be for starting the proposed subdivision? Has any estimate of such costs been made? If so, will the Government be pleased to lay the same on the table?

(*e*) Will the Government be pleased to state what additional annual expenditure the new subdivision will place on the public funds?

(*f*) If no final decision has as yet been arrived at, will the Government be pleased to state whether they have considered the advisability of postponing this heavy expenditure during the pendency of the war in view of the declared policy of the Government on the subject of new expenditure?

Answer by the Hon'ble MR. KERR :—

" (*a*) (*b*) and (*c*) Proposals for the creation of a new subdivision in the district of Tippera are at present under consideration. A memorandum inviting public opinion on the scheme will shortly be published. The object of the scheme is to relieve the Sadar and Brahmanbaria subdivisions which are unduly onerous charges. It is impossible to say at present when the scheme will be carried out.

(*d*) and (*e*) Estimates of the cost are being drawn up but are incomplete.

(*f*) The financial position will be carefully considered before the date for giving effect to any scheme is decided."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Manufacture of salt in Bengal.

L. (*a*) Will the Government be pleased to state the different indigenous methods of preparing salt in Bengal, and the cost at which salt can be manufactured per hundred maunds according to each of those methods?

Questions and Answers.

(b) Will the Government be pleased to name the different places in Bengal where salt can be manufactured, and to what extent?

(c) Are the Government considering the desirability of causing a survey to be made of all the salt-producing tracts in Bengal and of ascertaining the total quantity of salt which can be manufactured in Bengal?

Answer by the Hon'ble MR. DONALD :—

" (a) There are two indigenous methods of salt manufacture :—

First, *panga*, under which salt is educed by boiling brine which has been obtained by filtration from salt earth.

Secondly, the *karkatch* system, under which salt is obtained from brine by means of solar evaporation.

The cost at which salt can be manufactured by either of these methods would depend on varying factors turning largely on the locality chosen, *e.g.*, the cost of working sites, fuel (in the case of *panga* salt), labour, supervision, and the productivity of the area selected. No theoretical answer seems, therefore, to be practicable on this point.

(b) Subject to such regulations regarding supervision, etc., as m y be prescribed, the manufacture of salt would be possible in any place in Bengal where the necessary plant is established and the materials for production are assembled The extent of manufacture would be governed by the capacity of the plant and the quantity of materials for production It is impossible to give a more definite answer.

(c) The Salt Department in each saliferous district already maintains survey registers of saline tracts. As regards the suggestion that Government should take action to ascertain the total quantity of salt that can be manufactured in Bengal, it is not understood what particular purpose so vague an inquiry is intended to serve "

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

LI. (a) Are the Government aware that there is a large number of medical practitioners who had passed from the non-recognised medical schools before the passing of the Bengal Medical Act, 1914, and who could not pass the final Licentiate Examination of the State Medical Faculty within the period of grace for some reason or other? Unregistered medical practitioners.

(b) Are the Government considering the desirability of extending the period of grace and giving them another chance of appearing at the said examination?

Answer by the Hon'ble MR. DONALD :—

" (a) It is understood that there are a number of such practitioners who, as a matter of fact, did not so pass.

(b) The question is under discussion with the Government of India."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

LII. (a) Is it a fact that the European professors of the Dacca College do not sit in the professors' common room which is intended for all professors, both European and Indian? Professors' common room at Dacca College

(b) Is there any foundation for the impression that all the European professors have been given some nominal work with the sole purpose of entitling them to the use of some other room and thus to avoid sitting in the common room with the Indian professors?

Questions and Answers.

(*c*) Are the Government aware that the arrangement has caused irritation and bad blood among the Indians in general and the students in particular?

(*d*) Are the Government considering the desirability of taking such steps as may be deemed necessary for removing the said impression?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) No.

(*b*) No.

(*c*) and (*d*) These questions do not arise."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

The proposed Muhammadan Arts College.

LIII. (*a*) Will the Government be pleased to state in detail the history of the project to establish a Muhammadan Arts College in Calcutta and lay on the table all papers in this connection?

(*b*). Will the Government be pleased to state what steps have hitherto been taken, or are in contemplation, for the establishment of a Muhammadan Arts College in Calcutta?

(*c*) Will the Government be pleased to state the total number of Muhammadan students who were on the rolls on the various Arts Colleges in Calcutta on the 31st January, 1918?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) and (*b*) A scheme for the establishment of a Muhammadan College at Calcutta has been prepared but is in abeyance, both because the funds required for its establishment are not at present available and also because it is considered desirable not to proceed with the scheme until the Calcutta University Commission has submitted its report, and orders have been passed on its recommendations.

Government are not prepared to lay on the table all the papers in connection with this scheme or to give a detailed history of it.

(*c*) Inquiries are being made and the information will be supplied to the Hon'ble Member when received."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Threatened erosion of Noakhali.

LIV. Will the Government be pleased—

(*i*) to state in detail the history of the various measures that have hitherto been taken, or are in contemplation, to prevent the erosion of the town of Noakhali by the Meghna,

(*ii*) to state what are the intentions of Government regarding the site of the district headquarters in case the erosion cannot be stopped,

(*iii*) to state whether Government have hitherto consulted, or are considering the desirability of consulting, public opinion with regard to the condition of things brought about by the rapid erosion of Noakhali town and the problems of the location of the site of the district headquarters, and

(*iv*) to lay on the table all papers in this connection?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (i) The attention of the Hon'ble Member is invited to the answer given by the Hon'ble Mr. Cowley to question No. XLII at the Council meeting of the 20th November, 1917. No measures to prevent erosion are contemplated.

(ii) An area of 75 bighas has been acquired at Sonapur, half a mile from the Noakhali railway station, and if the erosion should continue to such an extent as to place any of the existing buildings in imminent danger, temporary buildings will be erected on the Sonapur site, as necessity arises. Government have not yet come to any conclusion as to the action to be taken in the event of the town of Noakhali being completely diluviated, as it is hoped that this contingency will not arise, at any rate for some years, while it might possibly not occur at all.

(iii) The measures now adopted were the result of a full inquiry made by the Commissioner, who visited a number of places in the district and ascertained the views of the public and the persons mainly concerned. The Hon'ble Sir Henry Wheeler also visited the district in July last and received deputations at Noakhali and Feni. In the event of further erosion rendering a complete evacuation of Noakhali necessary, opportunities will be afforded to the public for expressing their views regarding the steps then to be taken.

(iv) It is not thought desirable to publish the correspondence between Government and their officers. If further information is desired on any point its supply will be considered."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

LV. With regard to the answer to question (unstarred) No. III (*d*) put by the Hon'ble Khan Sahib Aman Ali at the meeting of the Council held on the 22nd January, 1918, will the Government be pleased to state on what grounds is it urged that the *kutcha* house is " in no way unsatisfactory " as a boarding house for Muhammadan students? Boarding house for Muhammadan students.

Answer by the Hon'ble MR. O'MALLEY :—

" The answer cited by the Hon'ble Member urged no plea, but referred to a report. The house was for many years the Hindu hostel of the college and is kept in repair by the Public Works Department."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

LVI. Will the Government be pleased— Extension of service to Judicial officers.

(i) to state the total number of officers in the Judicial Service who are on extension;

(ii) to state on what grounds the extensions have been granted, and how often in each case;

(iii) to state whether they have decided to grant extensions to other officers also; and if so, to how many and for what reasons; and

(iv) to lay on the table any papers containing the orders of the Government of India or Secretary of State prohibiting the grant of extensions of service to officers generally?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(*i*) 21.

(*ii*) The extensions were granted on the recommendation of the High Court. In 14 cases, one extension has been granted, in five cases, a second and in two cases, a third extension.

(*iii*) The cases of certain other officers are now under consideration

(*iv*) A copy of Article 459 (*b*) of the Civil Service Regulations as recently amended is laid on the table; the extensions now in force were granted prior to the issue of these orders."

Copy of amended Article 459 (b) of the Civil Service Regulations referred to in the answer by the Hon'ble MR. KERR *to question No. LVI (unstarred) asked by the Hon'ble* MAULVI A. K. FAZL-UL-HAQ *at the Council meeting of the 19th February, 1918.*

459(*b*) Officers, other than ministerial, who have attained the age of 55 should ordinarily be required to retire, and should not be retained in service except where unquestionable public grounds for retention exist, and there is no doubt as to the physical fitness of the officer.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Appointment of Muhammadans in public offices.

LVII. (*a*) With regard to the answer given to my question No. XLV (Unstarred) at the meeting of the Council held on the 22nd January, 1918, will the Government be pleased—

(*i*) to lay on the table the latest circular orders in force relating to the appointment of Muhammadans in public offices;

(*ii*) to state the Departments or offices, etc., to which the circular order applies or is intended to apply?

(*b*) If all the seven candidates had the minimum qualifications, will the Government be pleased to state what is the relevancy of the statement that all the candidates had not passed in the First Division?

Answer by the Hon'ble MR. KERR :—

"(*a*) A copy of the Government circular No. 3386 A., dated the 20th April, 1914, is laid on the table. The form of the return prescribed has been slightly modified from time to time, and the question whether it should continue to be submitted to Government is under consideration. The circular applies to the offices of Commissioners and District Officers, and also to the offices of the other Departments shown in the endorsement. A copy of a letter No. 4430 A., dated the 16th July, 1914, forwarding the circular to District Judges for information is also laid on the table.

(*b*) The question of the place taken by candidates in the examination is relevant in considering their respective merits."

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Circular No. 3386 A., dated Calcutta, the 20th April 1914, referred to by the Hon'ble MR. KERR *in his answer to question No. LVII (unstarred) asked by the Hon'ble* MAULVI A. K. FAZL-UL-HAQ *at the Council meeting of the 19th February, 1918.*

From—J. G. CUMMING, ESQ., C.I.E., I.C.S., Chief Secretary to the Government of Bengal.

To—All Commissioners of Divisions.

THE Governor in Council has had under his consideration the question of the co-ordination of the orders in force in the Presidency on the subject of the employment of Muhammadans in ministerial appointments.

2. The policy of the Government of India regarding appointments, which lie in the hands of the Local Governments, the High Courts or local officers, was enunciated in the Resolution of the Home Department, dated the 15th July 1885, published in the *Gazette of India* of the 18th July 1885, in which the following passage occurs :—

"The Governor-General in Council desires that, in those provinces where Muhammadans do not receive their full share of State employment, the Local Governments and High Courts will endeavour to redress this inequality as opportunity offers and will impress upon subordinate officers the importance of attending to this in their selection of candidates for appointments of the class referred to. The subject of the extent to which Muhammadans are employed in offices under Government might usefully be noticed in the annual reports of provincial administration."

Attention was invited in the same Resolution to the fact that the numerical inferiority of Muhammadans in the public offices was very marked in Bengal. Orders have been issued from time to time by the Governments of Western and Eastern Bengal, emphasizing the importance of giving effect to the policy of the Government of India as indicated in the above Resolution, prescribing statistical returns to show the progress made and reminding local officers of the importance of the subject. Recent statistics obtained from local officers, however, show that the progress attained in this direction so far has not been very marked. It will be observed from the figures noted in the margin for offices subordinate to the Divisional Commissioners in Eastern Bengal that the proportion of Muhammadans in these offices still falls below the percentage borne by the Muhammadan population literate in English to the total population of persons literate in English. While it is not intended that Muhammadans should be admitted to the public service when their educational qualifications fall short of the standards that have already been fixed for admission to that service, it has to be remembered that literacy is not the only important consideration that should govern recruitment for Government service. It is reasonable that the number of Muhammadans in ministerial posts should also bear some relation to the importance and population of the community. The adoption of a policy based on these principles has long been approved by Government ; and it appears to the Governor in Council that these principles have assumed a greater importance owing to the remarkable progress in education made of late years by the Muhammadan community. His Excellency in Council is therefore convinced that the time has come when it is advisable to fix a more definite proportion of appointments which should be filled by Muhammadans in the ministerial services employed in district offices. Special orders are already in existence regarding the ministerial officers in the

DIVISION.	Total permanent strength.	Muhammadans holding permanent appointments.	Percentage of column 3 on column 2.	Total number of persons (males) literate in English.	Total number of Muhammadans (males) literate in English.	Percentage of column 6 on column 5.
Dacca	556	70	13	86,[illegible]59	15,767	18
Chittagong* ...	447	109	24	30,[illegible]99	8,811	29
Rajshahi† ...	819	186	23	39,815	10,676	[illegible]6

* Excluding Chittagong Hill Tracts. | † Excluding Darjeeling.

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offices of the Secretariat and of Heads of Departments. After a careful consideration of all the circumstances, His Excellency in Council thinks that, under present conditions, one-third would be a fair share of the ministerial appointments which should be held by Muhammadans in the offices in the Dacca, Chittagong and Rajshahi Divisions excluding the Darjeeling district, and in the Presidency Division. In the other districts of the Presidency the proportion should correspond approximately to the percentage of the population represented by Muhammadans. His Excellency in Council desires that officers empowered to make appointments should make special efforts to attain to this standard, and that until the prescribed proportion has been reached, they should not reject a Muhammadan candidate, if qualified, in favour of a Hindu candidate merely because the latter has superior qualifications. Failure to comply with these instructions in respect of appointments made should be especially explained in the annual statement prescribed in paragraph 4 of this circular.

3. There are reasons to believe that the paucity of Muhammadan candidates has often been due to the fact that vacancies are not properly advertised. Accordingly I am to invite attention to the standing orders contained in rule 1, Appendix B, at page 78 of the Board's Rules, 1910 (*cf.* also corresponding rule 1, Appendix B, at page 83 of the Board's Rules, 1902, applicable to the districts in Eastern Bengal), which direct that whenever a permanent vacancy occurs or is about to occur in a paid appointment, a notice of the fact shall be suspended in some prominent place in the office, and a date, which shall not be less than 15 days after the issue of the notice, shall be fixed for filling up the vacancy. His Excellency in Council desires that heads of offices should scrupulously follow this rule and should supplement this procedure, when necessary, by invoking the assistance of recognized Muhammadan associations to secure qualified candidates. It is hoped that, as the number of qualified Muhammadan youths increases every year, it will not be difficult to obtain suitable candidates ; if only steps are taken to ensure that timely information of the existence of vacancies reaches those interested. The Governor in Council is confident that, with the co-operation of his officers and by the adoption of the measures indicated, a distinct and steady advance will be maintained in the matter of employment of Muhammadans.

4. Lastly, for statistical purposes, it is important to secure a uniformity in the form of returns furnished to Government by local officers, regarding the employment of Muhammadans, in place of the different forms which have hitherto been in use in Eastern and Western Bengal. The Governor in Council accordingly directs all officers concerned to furnish the prescribed statistics commencing with the current official year in the form annexed to this circular This form will supersede all the forms hitherto in use. The returns should reach Government not later than the 1st of July following the year to which they relate. The return regarding the employment of natives of the province prescribed by the late Government of Eastern Bengal and Assam need not be furnished in future.

Letter referred to by the Hon'ble MR. KERR *in his answer to Question No. LVII (unstarred) asked by the Hon'ble* MAULVI A. K. FAZL-UL-HAQ *at the Council meeting of the 19th February, 1918.*

Letter No. 4430 Appointment, dated Dacca, the 16th July, 1914.

From—J. G. CUMMING, ESQ., C.I.E., I.C.S., Chief Secretary to the Government of Bengal,

To—All District and Sessions Judges.

I am directed to forward, for your information, a copy of this office letter No. 3386 A., dated the 20th April, 1914, which has been addressed to Commissioners of Divisions, on the subject of the employment of Muhammadans in ministerial appointments, and to request that you will be so good as to furnish, for the information of Government, annual

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statistics in the prescribed form appended to the letter commencing with the current official year. It is not necessary, however, that column 14 of the form should be filled in by you. The statistics should reach Government not later than the 1st of July following the year to which they relate. I am to add that this form will supersede all the forms hitherto in use, and that the return regarding the employment of natives of the province which was prescribed by the Government of Eastern Bengal and Assam, need not be furnished in future.

By the Hon'ble MAULVI A. K FAZL-UL HAQ:—

LVIII. (*a*) With regard to the answer given to question No. XLV at the meeting of the Council held on the 22nd January 1918, will the Government be pleased to state what control Government possess over the appointment and dismissal of ministerial officers in Civil Courts? Ministerial appointments in Civil Courts.

(*b*) If there be absolutely no control, what steps are the Government contemplating to secure a proper representation of Muhammadans in the ministerial posts in Civil Courts?

Answer by the Hon'ble MR. KERR.—

"(*a*) The Hon'ble Member is referred to section 30 of the Bengal, Agra and Assam Civil Courts Act, 1887.

(*b*) The orders issued by Government regarding the appointment of Muhammadans to ministerial posts in executive offices have, with the approval of the High Court, been communicated to District Judges who have thus been made aware of the policy of Government in the matter."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ:—

LIX (*a*) With reference to the answer given to my question No. LXI (unstarred) at the meeting of the Council held on the 22nd January, 1918, will the Government be pleased to state the procedure that was adopted in order to collect information for answering my question No. XLV (unstarred) on that date? Procedure in collecting answers for Council questions

(*b*) Will the Government be pleased to lay on the table all the papers containing the correspondence that passed between the Government and the District Judge in connection with the answer that was prepared by Government to my question No XLV at the meeting of the Council on the 22nd January, 1918?

(*c*) Will the Government be pleased to answer my question No. LXI, sub-clause (*b*) (unstarred) of the 22nd January, which has been left unanswered?

(*d*) Was any attempt made to verify statements made by the officer who had apparently acted in contravention of a Government circular, or were his statements taken on trust?

Answer by the Hon'ble MR. KERR:—

"(*a*) Inquiries were made from the District Judge.

(*b*) Government are not prepared to lay the correspondence on the table

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(*c*) The answer given covered both sub-clause (*a*) and sub-clause (*b*) of the question, and Government have nothing to add.

(*d*) Government were satisfied with the information given and did not consider it necessary to institute further inquiries. As pointed out in the reply given to question No. XLV at the last meeting, Government have no power to interfere with the discretion vested by law in District Judges to appoint ministerial officers."

By the HON'BLE BABU BHABENDRA CHANDRA RAY:—

Allegations by an under-trial prisoner.

LX. (*a*) Has the attention of Government been drawn to certain serious allegations which have been made by one Priyanath Das in regard to the treatment that he received as an under-trial prisoner at the hands of the officers of Bagerhat Jail in the district of Khulna?

(*b*) If so, have the Government made any inquiry into the said allegations?

(*c*) Will the Government be pleased to state whether it is a fact—

(*i*) that the said Priyanath Das, on his first admittance, was made to strip and undergo a sort of drill along with other prisoners who had been stripped likewise?

(*ii*) that on his refusing to eat rice touched by any Muhammadan, he was forcibly fed from the hands of a Muhammadan?

(*iii*) that he was made to clean the drains of the jail and to do other menial work?

(*iv*) that he was assaulted by a warder and sustained injuries as a result?

(*v*) that he represented these matters to the Doctor? and

(*vi*) that thereafter he was subjected to greater oppressions?

Answer by the Hon'ble MR. KERR:—

"(*a*) Yes.

(*b*) An inquiry has been held by the District Magistrate.

(*c*) Priyanath Das was admitted to the Bagerhat sub-jail on the 31st October, 1917, and was released on bail on the 13th November. During this period, the jail was visited twice by the Subdivisional Officer, once by a non-official visitor, and daily by the Assistant Surgeon, who is also Deputy Superintendent of the jail. Priyanath Das was also produced before the Subdivisional Officer in Court on several occasions. He made no complaint to the Subdivisional Officer or to the non-official visitor regarding his treatment in jail. The only complaint that he made to the Assistant Surgeon was that he had been slapped by a warder. No mark of injury was shown, and the Assistant Surgeon, considering the assault a trivial one, verbally reprimanded the warder. The District Magistrate has found the other allegations to be without foundation."

The Bengal (Aliens) Disqualification Bill, 1918.

Sir S. P. Sinha; Babu Ambica Charan Majumdar.

LEGISLATIVE BUSINESS.

LIST OF BUSINESS—ITEMS Nos. 2 AND 3.

THE BENGAL (ALIENS) DISQUALIFICATION BILL, 1918.

The Hon'ble Sir S. P. Sinha presented the report of the Select Committee on the Bengal (Aliens) Disqualification Bill, 1918, and moved that the said report be taken into consideration.

The motion was put and agreed to.

The Hon'ble Sir S. P. Sinha also moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble BABU AMBICA CHARAN MAJUMDAR moved that for the word "Native", in line 2 of clause 2 of the Bill, the word "Indian" be substituted.

He said :—

"My Lord it may be poetically true that there is nothing good or bad but thinking makes it so; but so long as there is a human mind moved by human feelings and sentiments thinking often becomes unavoidable. The word "native" as used by Europeans in this country has come in as a word of contempt. (A voice cried 'No'). You may say 'No' but we are the people who feel and you are the people who use it. No doubt, my Lord, we are as much natives of India as Englishmen are the natives of England; but I do not suppose that any man, either a Frenchman, a German or a Russian domiciled or naturalized in England would ever venture to call an Englishman a native. Particularly in the case of the Indian Princes they have rendered signal services in the present crisis and I do not see why we should use the word 'native' instead of 'Indian' to designate them. The local Government of another province has set a very good example by discouraging the use of this word in any official paper or document, and I think the Bengal Government have everything to gain and nothing to lose by similarly discouraging this term. Besides, my Lord, the word 'India' in this Act has been defined not only to mean British India but also the territories of our allied Princes, so, in the fitness of things, the word 'Indian' should be substituted for the word 'native.'"

The Hon'ble SIR S. P. SINHA, said :—

"On behalf of Government I accept the amendment proposed by my Hon'ble friend. I do not think that the use of the word 'native' in Acts of the Legislature carries any sense of contempt with it, but at the same time I think that there is considerable force in what the Hon'ble Member has urged with regard to the use that is sometimes made of the word, and in deference to what I cannot help thinking is a very common and almost universal sentiment the Government accepts the suggestion made by the Hon'ble Member."

The motion was put and agreed to.

The Bengal (Aliens) Disqualification Bill, 1918.

Babu Ambica Charan Majumdar; Sir S. P. Sinha.

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble BABU AMBICA CHARAN MAJUMDAR was to have moved that after the words "In this Act", in line 1 of clause 2 of the Bill, the brackets and figure "(*1*)" be inserted, and that the following be added, namely :—

"(*2*) British subject means any of His Majesty's natural-born, domiciled or naturalized subjects in India or in the United Kingdom of Great Britain and Ireland".

He said :—

"Upon mature consideration I have come to the conclusion that this amendment ought not to be moved at the present stage and so I ask your Excellency's permission to withdraw it.

The motion was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble BABU AMBICA CHARAN MAJUMDAR moved that after the word "Vice-Chairman", in line 12 of clause 3 of the Bill, the words "or Engineer or Health Officer", be inserted.

He said :—

"Under clause 3 of the Bill there are certain appointments which have been mentioned as being withheld from the aliens. They are the Chairman, the Deputy Chairman, the Vice-Chairman ; the two posts of Engineer and Health Officer particularly of Calcutta and Howrah are also very important appointments and I do not think that they are in any way less important than those of the Deputy Chairman and Vice-Chairman. I, therefore, propose that the words 'Engineer' or 'Health Officer' be also inserted after the word 'Vice-Chairman'."

The Hon'ble SIR S. P. SINHA said :—

"Sir, this particular point was considered very carefully in the Select Committee and it was unanimously decided that we should not add these two particular officers, and the reason is this : what the Bill does is to preclude aliens, the meaning of which is well known, from, first of all, taking part in the elections and secondly from being elected themselves. But it goes further than that because it disqualifies aliens from holding executive office of the particular description mentioned, namely, Chairman and Vice-Chairman. So far as these officers are concerned they become members of the body over which they preside or practically preside, and there is a large amount of discretion which is vested by the statutes regulating local bodies in these offices. The same cannot be said with regard to officers of the description mentioned in the amendment, such as the Engineer or the Health Officer ; and the sense of the Select Committee was that it would be best to leave it to the discretion of the Municipality, the Local Board or the District Board as to whether they would have an alien for the purpose of carrying out the duties of an Engineer or Health Officer. It does not restrict them in their choice and I have no doubt that if officers were available for these particular posts who are British subjects and not aliens, the local bodies concerned would give preference to British subjects, but we do not think that it will serve any useful purpose to restrict the discretion of the local bodies in making their choice, in cases of officers who do not dictate the policy but carry out orders themselves. Under these circumstances I would ask my Hon'ble friend if it would serve any useful purpose to put these two additional officers in the section".

The Bengal (Aliens) Disqualification Bill, 1918; The Serampore College Bill, 1918.

Sir S. P. Sinha; Babu Ambica Charan Majumdar.

The Hon'ble BABU AMBICA CHARAN MAJUMDAR said :—

"After the clear expression of opinion of the Hon'ble Member in charge, I do not press the amendment."

The motion was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 8.

The Hon'ble Sir S. P. Sinha moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM NO. 9.

THE SERAMPORE COLLEGE BILL, 1918.

The Hon'ble SIR S. P. SINHA moved that the Serampore College Bill, 1918, be referred to a Select Committee consisting of the Hon'ble Mr. Wordsworth, the Hon'ble Dr. Deba Prasad Sarbadhikari, the Hon'ble Dr. Howells and the Mover with instructions to circulate their report in time for its consideration in Council at the meeting to be held on the 13th March 1918.

He said :—

"As the Bill was introduced in a very clear speech by the Hon'ble Mr. O'Malley at the last meeting of the Council I do not think that there is any necessity for me to say anything on this occasion with regard to the provisions of the Bill."

The Hon'ble BABU AMBICA CHARAN MAJUMDAR said :—

"My Lord, the Serampore College is one of the oldest, if not the oldest, college in Bengal. It carries back our memory to the days of William Carey, Joshua Marshman and John Clark Marshman who were the pioneers not only of missionary enterprise but also of education in this country. It is, therefore, not without some feeling of regret that I find myself constrained to partially oppose this measure. The Serampore College, as the Hon'ble Members are aware, was established in the year 1818 when Serampore was Danish territory. In 1827, His Majesty King Frederick VI of Denmark granted a Charter to the college empowering it to confer degrees upon its students. Eighteen years passed away and the college authorities did not actually take power to confer these degrees. Then, in 1845, Serampore was transferred to the British Government by a Treaty. In 1858 a University was established under a Royal Charter in Calcutta and the Serampore College was duly affiliated to that University enjoying a handsome grant from Government for its maintenance and the Charter rights of 1827 were waived. Now it is proposed to invoke the authority of this Charter after a lapse of nearly three-quarters of a century to establish a new University at the mill town of Serampore almost opposite this University town of Calcutta. Before anything else I would like to know what has happened since 1845, which has led to the sudden resurrection of this long-forgotten Treaty for the establishment of a new University there. My Lord, I have not the least objection to the college authorities of Serampore being empowered to grant theological degrees. This is a matter which is entirely between the Serampore College on one side and the Scottish Churches, the St. Paul's Cathedral Mission, the St. Xavier's and other Missionary colleges, on the other. If this differential treatment will not

The Serampore College Bill, [illegible].

Babu Mahendra Nath Ray.

touch their susceptibilities it need not hurt mine; but the power proposed to be conferred upon the Serampore College to grant degrees other than theological seems to me to be open to serious objection. I have my own doubts as to our power to create such an institution in the face of the Charter of the Calcutta University without the aid of a Parliamentary statute, but I am not so presumptuous as to lay much stress upon my opinion in the matter. The learned Member in charge of the Bill must have satisfied himself as to that. I oppose the Bill on principle. Why should we single out one college for the purpose of this extraordinary power, while there are so many colleges, many of which are more efficient and better equipped than the Serampore College, when we are not prepared to grant this power to them? There is the Presidency College which dates from the time of the old Hindu College and quite as old as the Serampore College. It is the premier college in the Presidency and there are the Metropolitan College, the Ripon College, the City College and the Scottish Churches College. We are not going to grant any such power to any of these colleges; then why should we grant this extraordinary power after a lapse of nearly 74 years to the Serampore College? My Lord, I know there is some sort of Treaty, but Your Excellency will be pleased to consider what stupendous changes have taken place since 1845 in this country. A University has been established which, as far as territorial jurisdiction is concerned, is perhaps the largest in the world. Your Excellency now rules over a Presidency which is twelve times as large as Denmark, whether in the time of Hamlet or in the time of King Frederick VI, and in the particular case of this Charter His Majesty the King of Denmark had only Serampore as his sole possession in this country and he may have granted a Charter to it with the idea of starting a small University town. But Your Excellency has to consider not only the college at Serampore, but also the case of 41 colleges that have sprung up under the University of Calcutta. As far as the Treaty is concerned I do not think we are going to break it. The Charter has been appended to the Bill which has been circulated to us and I do not see anything which compels us to single out the Serampore College and to give it the power of conferring degrees other than theological. If the Treaty was not broken in 1858 it cannot be broken now by leaving matters where they stand.

There is one other question which ought to be considered along with this Bill. The Calcutta University Commission are now sitting and they have not finished their labours and we do not know what their recommendations would be. At this moment to start new Universities in this country seems to be singularly unfortunate and improper.

There is yet another question to which I will draw Your Excellency's attention. It may be that by granting this power to the Serampore College we may be interfering with the power of the Calcutta University and I do not think that we can grant this power to the Serampore College unless and until the Calcutta University has disaffiliated it first of all. I do not think that it is reasonable for any individual to try to burn a candle at both ends. It cannot remain part and parcel of the Calcutta University and at the same time exercise the power of conferring degrees independently of the Calcutta University. With these observations I oppose this Bill so far as it proposes to give to the Serampore College power to grant degrees other than theological. I have already said I have no objection to the granting of theological degrees by the Serampore College. There is the Vice-Chancellor of the Calcutta University and I daresay he will consider this Bill in all its [illegible] at the Select Committee before this measure is passed into law.

The Hon'ble Babu Mahendra [illegible] said:—

"My Lord, I do [illegible]

[illegible]

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Dr. Howells.

involved in the Bill authorizing the Council of the college to grant degrees in branches of knowledge and science other than theology is objectionable. I have no doubt the Select Committee will consider this part of the Bill with great care. There is one matter to which I would invite the attention of the Council and it is this : The Treaty of which I do not find a copy in the papers circulated—I may have missed it, of 1845, which imposes upon the Government of India certain duties and liabilities, as I have said, has not been placed before us, but I find in the Statement of Objects and Reasons a summary of the rights and immunities which the Treaty granted to the College. And the summary goes on to say that it was laid down in the Treaty of Purchase that the rights and immunities granted to the college by the Charter should not be interfered with, but should remain in force in the same manner as if they had been obtained by a Charter from the British Government subject to the general law of British India. No doubt the language of the Charter is perhaps wide enough to authorzie the Council of the Serampore College to grant degrees in other branches of knowledge and science than theology, because the Charter in somewhat quaint language speaks of the power of conferring upon the students of the college, Native Christians as well as others, degrees of rank and honour according to their proficiency in as ample a manner as any other college. The Serampore College, the Charter goes on to say, shall only have the power of conferring such degrees to the students that testify their proficiency in science. Without criticising and without trying to understand the exact scope of the power granted in the Charter, it is clear from the summary of the provisions of the Treaty which is placed before us that all these rights and immunities are to be subject to the general law of British India, and I take it that one of the laws in force in British India is what is contained in the Universities Act, which contemplates the grant of degrees only by bodies constituted under that Act. It would, therefore, be no infringement, it seems to me, subject to what the law officers of Government say, of the rights preserved by the Treaty to hold that the Serampore College Council should not have the power of conferring degrees in every branch of science and knowledge, and it seems to me that to convert the Serampore College into a University which would be competent to grant degrees in all branches of Arts and Science would be to give it the power which would not only interfere with the proper jurisdiction of the Calcutta University but with the proper discharge of the functions of other colleges in this province. At any rate there are some colleges close by which are likely to be very seriously affected if such a power were granted. I leave this matter to the law officers of Government, and if we are not bound by the Treaty to authorize the College Council of the Serampore College to grant powers of conferring degrees in all different departments of Science and Arts, I should think that their power of granting degrees should be confined to theological subjects. As regards these the remarks that I have made about the impropriety of the conferring of the general power would not apply."

The Hon'ble DR. HOWELLS said :—

" My Lord, it seems to me that by far the greater part of what the first speaker said and a very considerable part of the speech of the second speaker can carry no conviction at all in view of the facts of the situation. The speakers from time to time spoke of certain University powers proposed to be conferred on the Serampore College. I see absolutely no meaning in any such remark. We possess certain powers and we are receiving no new powers that we do not at present possess, powers at any rate of the nature referred to by the two speakers. The facts of the situation are perfectly clear. They have already been set forth in this Council. Certain powers were granted to the Serampore College by the Danish King in the year 1827 ;

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Serampore, as is well known, being at that time a Danish settlement. The founders of the college, though men of faith, were cautious men and had the true interest of education at heart. Soon after the foundation of the college and the granting to it of University powers, there was a financial crisis in India of a very serious character. It affected the great commercial firms and the finances of the college suffered considerably. It was, therefore, due deference to sound educational ideals, the ideals of all educationalists as to what a University really is, that led the college authorities to the view that it would be unwise for the time being to exercise any such powers as they possessed. In addition to the clause already referred to by my friend, Mr. Ray, there is a regulation which also has legal validity, equally with the Charter, as contained in the statutes drawn up by the Serampore authorities in the year 1833. Those regulations are given in the Serampore College Bill, as circulated among the members of the Council. The regulation in question reads as follows :—

'The first Council and their successors for ever being authorized by the Charter to confer such degrees of rank and honour as shall encourage learning in the same manner as other Colleges and Universities, they shall from time to time confer degrees in such branches of Knowledge and Science as may be studied there, in the same manner as the Universities in Denmark, Germany and Great Britain. In doing this the Master and Council shall *ad libitum* call in the aid of any or all the Professors of Serampore College.'

In the year 1845, after considerable pressure from time to time on the part of the British authorities who wished to purchase the settlement of Serampore, the Danish King yielded and agreed to the sale, but in connection with the sale one thing that had troubled him from time to time—you will get the facts related in the college reports and in the Lives and Times of Carey, Marshman and Ward by John Clark Marshman—as to the situation of Serampore College, provided the sale was effected, and we finally agreed to the sale only after personally attending to the question of the rights of the college ; that was the reason of the clause already referred to by the Hon'ble Mr. Ray, viz., to the effect that the rights and immunities granted to Serampore College by Royal Charter of February 1827, shall not be interfered with, but continue in force in the same manner as they had been granted in British India, subject to the general law of British India. Now, Sir, here is a very definite Treaty with a Foreign Power—Denmark—a Treaty, solemnly entered into, confirming without a shadow of doubt the University powers already conferred by the Danish Crown on the college. I am no lawyer, but if law has any meaning or any common sense in it, that is the only possible interpretation, and I never yet heard such interpretation questioned by anybody from lawyers of the highest eminence in this country, Indian and European, right up to the best lawyers of the Crown in England. The whole thing has been under consideration for years and there has been only one interpretation of the facts of the case, viz., that the Serampore College possesses these powers, real University powers, without any reference to any institutions of University rank that might have arisen at a later time. This has been the vital issue. Now, I am aware that there may be difference of opinion regarding the character of Treaties and regarding the way in which Treaties ought to be observed. I judge, Sir, that if it had reference to a Treaty affecting any Indian Prince, any Treaty going back for many years in connection with any with any Indian State, I doubt that the two speakers would without doubt claim that such Treaty should be rigidly adhered to to the very letter. True, there are powers that consider Treaties, especially in relation to powers that are weaker than themselves as mere scraps of paper ; I trust, Sir, that the two speakers will not link themselves for a single moment with the aspect that would regard solemn Treaties, recognized as legally valid, as mere scraps of paper that can

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Dr. Howells.

be torn up and repudiated. What I understand, what the civilized world understands by British faith, is manifest in the present attitude of the British Government in recognizing, even though it may be inconvenient that there is something sacred in a Treaty, and certainly so far as we are concerned as a college we greatly appreciate the way in which the British Government, although looking upon this as somewhat of an inconvenience, have regarded themselves as bound down by the law and by a Treaty with a Foreign Power as a sacred pledge and international obligation. So far as theological degrees are concerned, no question has been raised; we are in fact using the powers of the Charter already and have been using them for the past few years for the conferring of theological degrees. The way was made clear to us from one standpoint by the attitude of the last University Commission which declared that it would be unwise for the Indian Universities to contemplate the conferring of degress in theology. All we seek now is to broaden our foundations so as to secure closer co-operation with other Christian bodies besides the Baptists.

Regarding the question of Arts degrees it must be recognized that the situation is not without its difficulties. Instead of Government conferring powers upon us, I think that if the Bill is carefully read, it will be recognized that we are of our own free-will voluntarily limiting the exercise, at any rate, of our powers; we can, so far as the legal power is concerned, proceed to grant degrees even in Arts and Science or any other Faculty at any time. But in view of the situation that has actually arisen, we have agreed, after consultation with the Government, to the insertion of clause 13 in the Bill; and I trust that the significance of our concession will be fully recognized. In view of the misunderstanding that there is already in existence on the subject, I would like to read this clause of the Bill:

'13. If, at any time, the Council shall intend to grant degrees in any branch or branches of Knowledge and Science other than Theology, such degrees shall be confined to students who shall have received regular instruction at the Serampore College; and before the Council proceeds to grant such degrees, it shall satisfy the Government as defined in section 2 (*b*) of the Indian Universities Act, 1904, in relation to the Calcutta University as to the adequacy—

(*1*) of the establishment and equipment of the college;
(*2*) of the academic standard to be maintained; and
(*3*) of the financial provision made therefor:

Provided that the said Government on ceasing to be so, satisfied, may withdraw their approval of the granting of such degrees.'

Now, this is a voluntary concession on our part. It was made clear to us that we ought not, unless we were ready for it, to be compelled to agree to this concession, and certainly anything beyond this we should not regard as fair or reasonable. But we feel that our educational ideals of what a University really means, was so clear and so sound that we had little or no hesitation in making this concession referred to so far as the granting of Arts degrees is concerned, it would be fatal and ruinous to our own interests to think of exercising this power, unless there is the most abundant justification for it. We are not in rivalry with the University of Calcutta. The University of Calcutta already recognizes that it is overwhelmingly large. If, at any time, circumstances should lead us in that direction and there should be adequate justification for it in the judgment of those concerned, we retain the right to develop as an independent University, granting our own secular degrees, and I am sure that those who have the best interests of education at heart, would in no way oppose the objects we have in view, objects which are perfectly straightforward and perfectly open to the criticism of the Government and the world."

The Serampore College Bill, 1918.

Dr. Deba Prasad Sarbadhikari; The President; Sir S. P. Sinha.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"My Lord, at the present moment, I do not wish to say anything with regard to the principle or the details of the Bill, but there is one other matter which is necessary for me to place before the Hon'ble Member in charge and Your Excellency in connection with the motion before the Council. The University of Calcutta have not yet been able to consider the matter fully. The Bill was referred to the Faculty of Law of which the Hon'ble Babu Mahendra Nath Ray is a member. The Faculty has made its report and that report will come before the Senate for consideration on the 9th March. If the report of the Select Committee is to come before the Council on the 13th March, the Select Committee will not have the opinion of the University before it. It would be an undoubted advantage for the Select Committee to have the opinion of the Faculty of Law as well as of the Senate when it is considering the measure."

The President said :—

"Does the Hon'ble Member wish to move an amendment to that motion ?"

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"I would leave it to the Hon'ble Member in charge."

The Hon'ble SIR S. P. SINHA said :—

"My Lord, I regret that there should be any appearance of controversy with regard to this very harmless measure. I think that a great deal of the apprehension felt by my Hon'ble friends, Babu Ambica Charan Majumdar and Babu Mahendra Nath Ray, is due to a misconception as to the object of this legislation, and I think also that my friend, the Hon'ble Dr. Howells, was somewhat unnecessarily warm (if he will allow me to say so) about any invasion of the rights of the Serampore College. It is undoubtedly the fact that the Serampore College at the present moment possesses the power of conferring degrees in Theology, in Arts, in Science, and in every other branch of knowledge and that they can do so without a reference either to the Government or to the University of Calcutta, because, although their rights are preserved subject to the general law of British India, there is at present nothing in that law to restrict their undoubted and recognized right of conferring degrees. They have the power, and it is also perfectly correct that this Bill proposes by virtue of that very provision to enact that the power which they possess should be subject to certain restrictions, which do not exist at the present moment, *namely*, that they should not confer these degrees without satisfying the Government that their equipment for the purpose is adequate and sufficient. So far, therefore, from this Bill enlarging the rights of the Serampore college it is a measure enacted to restrict their rights and the college authorities have been reasonable enough to agree to such restrictions, because, while they feel that on their side they are not likely to claim the privilege of conferring degrees unless they are properly equipped, they are equally confident that the Government will not place any obstacles in their way, if, and when, they are sufficiently equipped for the purpose. The whole object of the Bill, if my Hon'ble friends will for one moment look into the Statement of Objects and Reasons, is this, the college authorities are naturally anxious to begin conferring degrees in theology, which, as some Hon'ble speakers before me have pointed out, the University Commission thought that it was undesirable that Indian Universities should ; but they felt also that belonging only to a

particular denomination of Christians it would add to the prestige and utility of their degrees if the denominational basis upon which the college rested was modified by the creation of an enlarged Council and of a Senate consisting of members belonging to different Christian Churches. That is the primary object of this Bill and so far as one can judge, practically, the only object of this Bill. They have at present no intention of conferring degrees any more than they have had since 1827, but what they desire to do is to take power to themselves to form a Senate in which all Christian sects will be represented, so that their theological degrees would be valued, not merely by the particular sect to which the college belongs, but by all other sects of Christians. That being so, it is regrettable that any semblance even of covtroversy, should be apparent in a measure of this kind. I have no doubt that the observations of my friends, the Hon'ble Babu Ambica Charan Majumdar and the Hon'ble Babu Mahendra Nath Ray, will be taken into consideration by the Select Committee. The measure is a purely non-controversial one. There are no doubts about their powers and there is no doubt about the restrictions which are to be imposed upon them.

With reference to what fell from the Hon'ble the Vice-Chancellor, I may state that we are very anxious to accommodate the Senate of the University of Calcutta in every possible manner and not to hurry or hustle them in any way. If the 13th March, which is mentioned in the motion, is not suitable or is considered too early, I am perfectly willing that the report of the Select Committee should not be presented till the 28th March or even the 4th April. I prefer personally the 28th March, so that there might be ample time to consider the matter. I would propose, therefore, that instead of the report being considered on the 13th March it should be considered on the 28th March."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"If the 4th April is suitable, it might be taken up on that date."

THE CALCUTTA HACKNEY-CARRIAGE BILL, 1918.

The Hon'ble SIR S. P. SINHA said :—

"As there is likely to be a large volume of business on the 4th April, I am sorry it will not be a suitable date. I would, therefore, ask my Hon'ble friend to agree to the 28th March. With these obervations, I hope that the Council will not have any difficulty in accepting the motion as amended."

The motion was then put in the following amended form and agreed to : —

That the Serampore College Bill, 1918, be referred to a Select Committee consisting of the Hon'ble Sir S. P. Sinha, the Hon'ble Mr. Wordsworth, the Hon'ble Dr. Deba Prasad Sarbadhikari and the Hon'ble Dr. Howells with instructions to circulate their report in time for its consideration in Council at the meeting to be held on the 28th March 1918.

LIST OF BUSINESS—ITEM NO. 10.

The Hon'ble SIR S. P. SINHA moved for leave to introduce a Bill to consolidate and amend the law relating to hackney-carriages and palanquins and to make certain provisions with regard to rickshaws in Calcutta.

He said—

"It may be useful to summarize briefly the facts leading up to the existing law. Under the first Calcutta Hackney-carriage Act (Bengal Act V of 1866) the control of hackney-carriages was vested in the Commissioner of Police.

The Calcutta Hackney-carriage Bill, 1918.

Sir S. P. Sinha.

In compliance with a Resolution of the Justices of Peace, dated the 11th of September 1874, Bengal Act IV of 1878 was passed, under which the control of hackney-carriages was transferred from the Commissioner of Police to the Municipal Commissioners of Calcutta, with effect from the 1st of June 1878. On the recommendation of a Committee of the Corporation appointed in October 1890, the law was further amended by Bengal Act II of 1891 which is the Act now in force. Proposals were thereafter brought forward from time to time with a view to improving the hackney-carriage service in Calcutta and in 1911 a report on the improvement of the hackney-carriage service in Calcutta, adopted by the Corporation, was forwarded by the Chairman for the consideration of Government. In pursuance of that report an amending Bill was framed by the Government and introduced in Council and referred to a Select Committee on the 4th of July 1916. The three most important provisions of that Bill were :—

(i) the omission of the sections in the existing Act by which the classes of hackney-carriages and also the fares for the same are rigidly fixed. The Bill provided that both these matters should be regulated by by-laws framed under the Act ;

(ii) a provision for compulsory production of carriages with horses and harness used therewith within a week after the expiration of six months from the date of annual registration ; and

(iii) a provision for securing the identification of horses.

The Select Committee considered that the Bill did not deal adequately with all the additions and alterations necessary in the existing Act and that the changes required would so materially alter the Act as to go entirely beyond the scope of an amending Bill. They accordingly recommended that the Bill should not be further proceeded with, that the existing Act should be considered as a whole and that a new consolidating and amending Bill should be framed. The Select Committee's report was presented to the Legislative Council in August 1916 and a motion was carried that the Bill should not be further proceeded with. A new consolidating and amending Bill was then drawn up in accordance with the suggestions of the Select Committee, embodying the provisions of the former Bill as well as other modifications of the existing law which were found necessary. These modifications were such as to render a further reference to the Government of India necessary before the Bill as recast could be introduced in the Provincial Legislative Council. It was accordingly submitted to that Government for approval and we have had the benefit of their suggestions and criticisms and now that the Government of India have finally approved of the Bill, it is possible to introduce it in Council.

The modifications of the existing law made by the present Bill are fully explained in the Statement of Objects and Reasons and notes on the clauses. The most important change is the provision made in Chapters II and IV for the separate registration of horses and carriages. It has been found in practice that the chief defect in the present mode of registering horses is that there is nothing to identify the animals which have been passed as fit by the registering officer. The registering of carriages and horses is now done simultaneously and as the period within which carriages are registered extends over several weeks, owners often bring up the same horses harnessed to different carriages. Inferior horses are afterwards substituted when the carriages actually ply for hire. To prevent this fraud and to ensure that only horses that are fit should draw registered carriages, provision is made in clauses 29 and 30 to facilitate the identification of horses approved by the registering officer and to prevent the substitution of animals not approved by him. As, moreover, one man may own a carriage and another the horse

The Calcutta Hackney-Carriage Bill, 1918.

Sir S. P. Sinha.

or horses which draw it, provision is made in clause 25 for the separate registration of horses—while the compulsory production of registered horses with harness for half-yearly inspection by the registering officer is ensured by clause 28. On the occasion when the last Bill was introduced, the Hon'ble Babu Ambica Charan Majumdar seemed to have some misgivings as to whether the marking for identification of horses which was contemplated could be made without causing much bodily pain to the animals. It might be of interest therefore to mention the history of the provision in this respect. Sometime before 1911 the Corporation moved Government to sanction a by-law to the effect that horses should be branded on the hoof for purposes of identification. The Government consulted the Superintendent of the Civil Veterinary Department in the matter and declined to sanction the proposed by-law on the ground that it would not work satisfactorily and was not likely to secure the object aimed at. The Corporation then tried an alternative method which obtained in Jubbulpore. A round brass disc about the size of a rupee with a registered number stamped on the side and the class of the carriage for which the horses registered stamped on the reverse was fastened round the horses' neck with flexible wire, the ends of which were fastened by a small lead-seal so that any unlicensed horse could be easily detected and dealt with as such. This scheme was on trial, found to succeed in securing the object aimed at, but the Chairman, supported by the Legal Adviser of the Corporation and by the view of Government, held that it could not be enforced and it was, therefore, left to the option of hackney-carriage owners to affix the disc or not as they chose. The Corporation thereafter recommended that legislation should be undertaken to give effect to the provision of discs as above mentioned. Government agreed that the system of discs appeared to be as good as any other which has yet been devised, but better means might possibly be discovered hereafter and it was desirable, therefore, that the amendment of the law should be in a general form so as to permit of the adoption of the disc method or any other method with the same object in view. Accordingly it is provided in clause 29 of the present Bill that the registering officer shall cause to be attached or applied to any registered horse such mark of identification as may be prescribed by by-law made under clause 71.

The Bill also applies to rickshaws *mutatis mutandis* the provisions already in force in regard to palanquins. The difficulties now experienced in enforcing the appearance of a driver before a Magistrate are met by a provision (clause 73) that summonses against the driver under the Act may also be served on the owner of the carriage or horses and by the provisions of clause 47 (*c*) and (*d*) empowering the registering officer to cancel or suspend the driver's license, if the driver fails to appear before the Magistrate when summoned to answer a charge or if the owner, on being called upon to do so, fails to produce him. The penalty clauses throughout the Act have been revised and made mutually consistent, and suitable terms of imprisonment in default of payment of fine have been prescribed. Attention is also drawn to the first provision of clause 2 which provides that when it is proposed to extend the Act to military cantonments the notification extending the Act shall not be published without the previous sanction of the Governor-General in Council. The second proviso enacts that when it is proposed to exclude from, or include in, Calcutta any local area in the vicinity of the same by notification, a draft thereof shall be previously published and any rate-payer or inhabitant of the area may, if he objects to the draft, submit his objections in writing to the Local Government within six weeks from its publication and the Local Government shall take such objections into consideration. It is believed that, with these safeguards, no objection will be found to the Bill in so far as regards its possible application to cantonment areas or areas not included in Calcutta."

The motion was put and agreed to.

Resolutions.

Rai Mahendra Chandra Mitra Bahadur ; Mr. Cumming.

LIST OF BUSINESS—ITEM No. 11.

RESOLUTIONS.

(*Under the Rules for the discussion of matters of general public interest.*)

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that steps be taken to remodel the sluice in the Damodar left embankment on the western border of *mauza* Gazipore in thana Amta, in the district of Howrah, by widening the size of the existing narrow vent and lowering the floor of the said sluice with a view to draining out the stagnant rain-water from the paddy fields and preventing any further damage to the winter rice crop of *mauzas* Sonamukhi and Gazipore.

He said :—

"My Lord, I need hardly take up the time of the Council by entering into details about the urgent necessity of the proposal which I am placing before the Council to-day. On a previous occasion the Hon'ble Mr. Cumming stated that the Amta Drainage Scheme had already been approved by Government and was only awaiting funds, the cost having been estimated at about ten lakhs of rupees. The proposal which I now make is a modest one and involves an expenditure of a few thousands which can be met out of the special grant of two and a half lakhs of rupees provided in this year's Budget, with a view to mitigate the evil effects of the Damodar floods in the Burdwan Division. Less than two lakhs of rupees has probably been spent out of this grant by this time. As the Damodar left embankment is Government property, it is only natural that the sluice in question measuring two feet broad by four feet three inches high, used for the double purpose of irrigation and drainage for an area of 1½ square miles, should be remodelled by Government to meet the present demand. The present condition of the paddy fields, which are still under deep water, is doing immense mischief to the winter rice crop, and betrays a most deplorable state of affairs ; if the water is not drained out now, it will not flow out when the river rises in the rainy season, with the result that it would not be possible to grow a new crop next season. The urgency of draining out the water in question now cannot be gainsaid. And I hope and trust, the Council will accept the resolution thus preventing the possibility of spreading discontent among the illiterate and starving peasantry. With these few words, I commend this resolution to the acceptance of Your Excellency's Council".

The Hon'ble MR. CUMMING said :—

"Sir, the Hon'ble Member desires that certain villages to the west of thana Amta, in the district of Howrah, be drained into the Damodar river through a sluice in the left embankment of that river, as a separate project apart from the main Amta drainage project.

There are two grounds why Government are not prepared to accept the resolution ; an engineering ground and a legal ground.

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Rai Mahendra Chandra Mitra Bahadur; The President; Maharajadhiraja Bahadur of Burdwan.

In the first place, while the Hon'ble Member desires to drain these villages to the west into the Damodar river, nature has ordained that the natural drainage from that locality is to the east and south-east. Provision has been made for the drainage of this locality in the Amta drainage project which has been prepared and which awaits execution when funds are available.

In the second place, it is true that at a certain level of the Damodar river it is possible to drain through the sluice in question to the west into the river; but if any one desires to take advantage of that opportunity, the proper procedure is to make an application to the Collector under section 18 of the Embankment Act. If it should appear to the Collector that the work is one which may probably be executed with advantage, then the procedure prescribed in section 7 of the Act will be followed. I, therefore, recommend the Hon'ble Member to advise the people of the locality either to wait till the Amta drainage project is completed or to come forward and make an application under section 18 of the Embankment Act."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, the Hon'ble Mr. Cumming has referred first of all to the engineering difficulty. That question, being a technical one, is very difficult, and I am not in a position to answer it properly.

With regard to the legal aspect, I can put forward my own views on it. Section 18 of the Embankment Act no doubt lays down the procedure by which the construction of sluices may be made, but to my mind it appears that that has reference only to new sluices. If the section be read in the light which I submit to this Council, it will appear that there is already an old sluice and the question involved is as to its enlargement. That is the only point raised. In my humble opinion, therefore, the provision of section 18 will not be a bar, if the Hon'ble Member in charge considers that it is necessary. As the question is a technical one, I have no other alternative but to withdraw it."

The Resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 13.

The PRESIDENT said :—

"I understand that the Hon'ble Maharajadhiraja Bahadur of Burdwan has an engagement later in the day and I have ascertained from the Hon'ble Mr. Irwin that he has no objection to item No. 13 being given precedence. Under the circumstances, I now call upon the Hon'ble Maharajadhiraja Bahadur of Burdwan to move his Resolution."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN moved :—

This Council recommends to the Governor in Council that early steps be taken to obtain official and non-official opinion on the advisability of an enactment of an Impartible or Inalienable Estates Act for Bengal or of an amendment of the Bengal Settled Estates Act, so as to make it more attractive to the classes for whose benefit the Act was intended.

He said :—

"My Lord, for many years past I have cherished a keen desire to see in Bengal an enactment something like the Madras Impartible Estates Act. My

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Maharajadhiraja Bahadur of Burdwan.

first attempt in this direction dates back to the year 1909 when I was making some private enquiries about the desirability of amending the Bengal Settled Estates Act so as to render it more popular and acceptable to those for whom it was meant. I received a most sympathetic response from the then Lieutenant-Governer Sir Edward Baker, who, later on in 1910 appointed a Committee of members of the Legislative Council to enquire into the cause of the failure of the Settled Estates Act and to consider remedies. As having served on the Committee. I remember the proposal of amendment had to be dropped mainly on the ground of there having been no general demand for the amendment of the Act amongst the zamindar families, though the Committee found 'that there were instances of persons who would like to see their way to prevent a disintegration of their property, which must follow their death'. Having thus failed in my attempt to secure an amendment of the Settled Estates Act, I proposed, as a member of that Committee, to have introduced into Bengal an Impartible Estates Act and the Committee recommended my suggestion for the consideration of the Government. This was just prior to the Delhi changes when we could count upon Bihar as a part of Bengal. I seriously contemplated trying in a private Bill in consultation with the representatives of the Baronial Houses of Bihar, many of whom like my own House were governed by the law of Primogeniture according to *Kulachara*. Owing, however, to the territorial redistribution of 1911 my idea had to be abandoned and the Government too did not move in the matter any further. Since then I have been watching the sentiments of my brother zamindars of Bengal in this respect for the last seven years and when at the first Conference of Bengal Zamindars held in Calcutta, in December last, it was 'considered *desirable* to have an enactment of an Impartible and Inalienable Estates Act *for the protection of Zamindars* in Bengal' and a Resolution was passed ;'to consider the question with a view to *memorializing the Government* on the subject' I thought it was time to take up this subject once again to the Legislative Body of this Province and I deemed it my duty thus to gather for the deliberations of the Zamindars' Committee, of which I am a member, through the medium of the Government, official and non-official opinions which will be of the greatest value to us of the Committee, when we meet to frame concrete proposals for the consideration of the Government.

In some quarters there is an apprehension that my intention in bringing this Resolution is not only to forestall the activities but to confuse the issues of the Committee in which I have been given to play my own part howsoever small or insignificant it may be ! Considering that I was largely responsible for inaugurating the first Conference of Bengal Zamindars in December last it would not only be comical but ungracious on my part if I were to try to belittle the existence of a force which to me has been most welcome and is full of potentiality of a far-reaching consequence to the Zamindar community of Bengal in general. My object therefore in bringing this Resolution forward at this stage is two-fold. In the first place, it is to expedite the fruition of a long-cherished desire in my mind to have something done in the local legislature to protect the importance and integrity of old and honoured zamindari houses by starting work simultaneously in the Legislative Body and in the body of the zamindars concerned, so that each might pursue its own course of investigation independently and benefit mutually by each others's findings whenever occasion may arise for their mutual reference. Secondly, it is to assist the Committee of the Zamindars mainly by collecting through Government Agency expert opinion, both official and non-official, whose views are essential to enable the Committee to bring forward their final proposals to the Government. It is true that after all the zamindars concerned are the best judges as to what they need for the protection of their

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families and properties, but it is equally true that an enactment of the kind contemplated in the Resolution involves intricate questions of Hindu and Muhammadan laws of succession and alienation and as these laws are highly technical and complicated, opinion of legal experts is indispensably necessary in coming to a definite conclusion on the subject. I must candidly confess that I am far from being well-versed in the Daya-Bhag Law of Bengal or in the different laws of succession amongst the different sects of Muhammadans, and perhaps there are not many among us who may tackle these problems ingeniously, but on the other hand, the Government may give us the best legal advice on such points, it may give us without any difficulty an idea of the working of similar legislations in other Provinces, as we know, there is already one existing in Madras and another is about to be introduced into the United Provinces, and it is for securing these invaluable aids that I have deemed it necessary to move this Resolution in Council even before the Zamindars' Committee would meet; it will at least save them from being criticised as not being either fully representative in character or as having taken on their shoulders a colossal piece of contemplated legislation without considering its issues in all its different aspects. If we were to start on our mission without the support of the Government on the one hand or expert advice, both official and non-official, on the other, we should be much less sure of success than we would be if we appeared before the public and this Council with our proposals based on the best advice and opinions available in the Province. My intention is simply to see if there is a demand for an Impartible Estates Act in Bengal and to receive the opinion of official and non-official experts on the advisability of introducing such an enactment in our Province and having reasons to believe that the Government will assist me to gain the object that I have in view I sincerely hope that my brother zamindars present here and all my other colleagues, both official and non-official, will lend me their support, not only as a manifestation of their earnest desire to try and find out what obstacles there may be towards achieving a matter of vital importance to the Zamindars of Bengal, but also, as I have said previously, to assist the Committee of Zamindars with invaluable materials to frame concrete proposals for the acceptance of the Government and the Council at a later stage.

With these words, my Lord, I beg to move the Resolution which stands in my name."

The Hon'ble MR. CUMMING said :—

" Sir, I am in a position to state at once that Government accept the Resolution of the Hon'ble Member to the effect that the opinions of officials and non-officials be elicited on the advisability of legislation on the subject of the impartibility and inalienability of estates.

It will be convenient to give here a summary of the past history of similar proposals. In 1904, the Bengal Settled Estates Act was passed. When that Act was introduced, its objects were stated to be the preservation of old or wealthy families from decay, the maintenance of their territorial influence and the prevention of subdivision of estates of historical and political importance; and provision was made in the Act for preserving, in special cases approved by Government, the continuity of noble and influential families, whose estates were not protected by the existing law from division on the decease of a proprietor.

Up to 1910, only one landlord had taken advantage of the Act, and the Government of Bengal appointed a Committee to enquire into the causes of the failure of that Act. The Committee submitted their report in 1910,

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suggesting certain amendments of the Act, in order to remedy certain defects which had apparently contributed towards the failure of the Act. At the same time, however, they said that they had grave doubts as to whether there was any general demand for the amendment of the Act.

The Hon'ble Maharajadhiraja Bahadur asked in Council in March 1913 a question on the subject of the amendment of the Act. The reply then given was that the Government of Bengal had decided that, in the absence of a stronger indication by the land-holding community of Bengal of a desire for an amendment of the Act, it was not advisable to undertake legislation.

A further pronouncement was made in May 1913. As the severance from Bengal of the area constituting the province of Bihar and Orissa reduced the number of impartible estates in the Presidency, the Governor in Council decided to take no further action in the matter. The Maharajadhiraja Bahadur was, however, informed at the time that, if there was evidence of a demand amongst the majority of the zamindars, the matter might be considered again.

In view of the attitude of the Conference of zamindars, Government are now prepared to institute an enquiry from officials and non-officials on the lines of the resolution of the Hon'ble Mover."

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said:—

"My Lord. I am one of those who were responsible for an important resolution on the subject at the Conference of zamindars held on the 24th December last, and it gives me much pleasure to find that the prominent members of our community are taking a keen interest in the matter. It was only at the last meeting of the Council that one of my friends put a question on the subject and thus brought it to the notice of the Government, and to-day our leader has himself taken up the question, though his zamindari is an impartible Raj, and we are grateful to the Hon'ble Maharajadhiraja Bahadur for his resolution which cannot but emphasise the importance of the subject, and my friend is to be congratulated on the very modest nature of his resolution. It has been so judiciously drawn up that the Government could hardly afford to reject it. But there is a thing or two which I think I should bring to the notice of the Maharajadhiraja before he presses for his resolution. As has been said by the Maharajadhiraja, the Zamindars' Conference has appointed a strong and representative Committee with several influential and experienced members to make a thorough and exhaustive enquiry into the matter and discuss it in all its aspects with the zamindars who are interested in the legislation and to formulate a scheme which would be acceptable to us. It was also resolved to forward this scheme to the Government for taking proper action. To my mind, that would be the proper stage at which the Government should take up the enquiry, as it would then give the Government something definite on which to obtain the opinion of the public as well as of the officials, and proceeding in this way it would be comparatively easy for the Government to arrive at a practicable solution of the problem. At present, the Government enquiry is bound to be more or less indefinite and aimless in its character and as such it would almost be like groping in the dark. The Government now do not know exactly what is really wanted by us or what would suit us best. In fact, even we do not know what is really wanted by us. We have now only a kind of desire that there should be some such legislation by which we can keep our estates compact and save them from being squandered away by our spoilt children. When drafting the resolution for the Zamindars' Conference, our intention was that we should first enlighten our

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community as to the nature of the existing laws on the subject in Bengal and in other parts of India and for this purpose some of us even intended to publish a full history of the incidents of such legislations together with a critical study of the report of the committee appointed by the Government a few years back. In short, our idea was to make the whole zamindar community actively interested in the matter and by free personal discussions amongst ourselves to arrive at a definite understanding with a minimum of opposition.

My Lord, we have now in Bengal a school of young zamindars who are not only beginning to take a real and active interest in the management of their zamindaries but also in all matters connected with our obligation to ourselves, our Government and our tenantry. We want now every encouragement from our leaders as well as from the Government, and the public. If our Committee is left alone, I am sure we shall never be found wanting and the fruits of our labour cannot but be of immense help to your Excellency's Government. But if the resolution, now before the Council, is given effect to, it is sure to damp our spirit ; in fact all the importance and usefulness of our Committee will be gone. Having once given their opinion to the Government very few will care to discuss the matter with us. Our query will only bring in copies of the opinions sent to the Government, and even what little discussion we will have, would be quite useless for our purpose. As I know the nature of the zamindars, none of them would like to change his opinion once given to the Government, and so an agreement amongst ourselves would be almost a thing of impossibility. I would not have been so particular in opposing a simple resolution like this, if I did not believe it to be a fact that the Government enquiry will not only render our Committee useless but also would be itself aimless and consequently its results too would be lifeless.

"My Lord, I know the procedure in many zamindaries and when I say it, I do so with full knowledge of the facts, that whenever opinions are asked by the Government on any subject, the majority of the zamindars refer the whole thing to their lawyers, and what opinion is forwarded to the Government is not the considered opinion of our class but rather an artistic and academic treatment of the subject by our lawyers, and the result is that the zamindars remain as ignorant of the existing state of affairs as of the effect of their opinion. This may sound rather harsh, but such is the real fact and we are now going to face it boldly ; we want to infuse life and intelligence into our class. Our aim is to shake off our traditional lethargy and ignorance and drag out our class from its conservative stagnancy, and in our noble endeavour we of the new school want all help from all who can help us. And bearing this in my mind, I appeal to my hon'ble friend the Maharajadhiraja of Burdwan to withdraw his resolution. I appeal to him not to stifle our ardour by invoking Government aid just at present, but to let us try and stand by ourselves, and I trust that I do not appeal in vain.

In this connection, I would also like to submit that as a result of my reference of the question to my constituency, I have received about sixty replies, and with one exception all of them are opposed to this resolution, the one exception being the Maharajdhiraja himself, who is also an esteemed member of my constituency. I would also like to say that, in reply to my letter, the British Indian Association, of which the Maharajadhiraj is the President, writes the following :—

'Your letter regarding the Bengal Settled Estates Act was considered by our Committee at their meeting held on Wednesday last. The Committee were of opinion that while they had no power to fetter the discretion of the Maharajadhiraja Bahadur of Burdwan in connection with his proposed motion

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suggesting the amendment of the Bengal Settled Estates Act, they certainly thought that the Maharajadhiraja Bahadur would show some courtesy to the Zamindars' Conference if he postponed his motion until the question had been threshed out by the Committee appointed for the purpose in accordance with one of the resolutions of the Zamindars' Conference.'

May I express my hope again that the Maharajadhiraja Bahadur will find his way to withdraw the resolution.'

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I am in full sympathy with the movement set up by the Hon'ble the Maharajadhiraja Bahadur of Burdwan. I do not see why there should be any difficulty in arriving at a conclusion which should be acceptable to all. If the Zamindars' Association is really anxious to consider the question in all its details they can be done side by side with the official and non-official opinion without taking up much time. I support the resolution."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"My Lord, I would have gladly withdrawn the resolution had I thought it would have really done any good. It is true that the versatile Kumar has produced a letter written by the Hon'ble Raja Hrishikesh Laha."

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said :—

"May I rise to a point of order, Sir? I object to the term 'versatile' used by the Hon'ble Maharajadhiraja Bahadur."

The President said :—

"That is not a point of order."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"I have given the letter my best consideration, and with due deference to the views expressed by the Hon'ble Raja Hrishikesh Laha on the matter, I do not think that it would be any good postponing this inquiry through the Government. On the contrary, I am so very convinced that if we are really going to bring this matter to a successful issue before the next Zamindars' Conference takes place we ought to have before us available the best expert opinion to enable us to arrive at a conclusion so that, as I have already said in my speech, when we come up before the Council we do so with all the best opinion available on the subject. If I did not think that to be the proper course, I do not think that, as the President of the British Indian Association or as a member of the Committee regarding which the Hon'ble Kumar has spoken, I would have brought up this resolution at the present stage. Moreover, when the Government are agreeable to take up the inquiry especially after the resolution passed by the Zamindars' Conference, we should not lose this opportunity of getting—really gratis for ourselves—all the best opinion available in the Province. I would like to point out to the Hon'ble Kumar the wording of the resolution that was adopted at the Zamindars' Conference. The wording is 'This Conference is of opinion that the enactment of an Impartible and Inalienable Estates Act for the protection of Zamindars of Bengal is desirable and that a Committee consisting of the following gentlemen be appointed to examine the question with a view to memorialise the Government on the subject.' Surely there is nothing in the resolution which is likely to clash with

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my resolution to-day. If we are going to memorialize the Government, is it not essential, is it not the most successful course to try to get the best opinion you can get before you send in your memorial? The view taken up by the Hon'ble Kumar might have serious effect on me, for it might make others think that I am trying to commit a breach of trust with the Committee. I am afraid the Hon'ble Kumar has misunderstood my intention. It is not my intention in any way to belittle the importance of the Committee regarding which I spoke in my introductory remarks, and that has been made amply clear by the Hon'ble Kumar himself when he says that there are zamindars who will send in their opinions which are really the opinion of paid lawyers. I think he will find that when this information is gathered the Committee will be saved the trouble of going to those zamindars whose opinions count for nothing because their opinions will be written for them. We really want opinions of those who have taken an interest in this Conference and who have showed a desire to do something for their class. And if this information gathered through the agency of Government cannot be acceptable to them, I do not know what opinion would be acceptable. For these reasons, my Lord. I would like to press my resolution."

The Hon'ble RAJA HRISHIKESH LAHA said :—

"My Lord, a word of explanation is necessary from me. The letter that has been read by the Hon'ble Kumar contains the opinion of the British Indian Association and not my own. What is proposed in the resolution moved by the Hon'ble Maharajadhiraj will. I think, help the zamindars' conference in coming to a right conclusion. If they have before them all the opinions that are given to Government on the subject, they would be able to formulate their proposals, and also the Government will not be placed in a very difficult position in regard to ascertaining correct views on the subject. I, therefore, support the resolution."

The motion was then agreed to.

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble MR. IRWIN moved :—

This Council recommends to the Governor in Council that—

(i) the teaching of Hygiene and Sanitation by duly qualified teachers be made compulsory in all State aided schools, both for boys and girls, in the Province;

(ii) these subjects be included as compulsory subjects for the University Matriculation Examination; and

(iii) provision for the above be made in the next budget.

He said :—

"My Lord, the resolution which stands in my name was on the agenda for the last Council meeting, but time did not permit of its being discussed and it was therefore postponed to the present meeting.

In my opinion it needs very few words by way of commendation; it must. I venture to think, commend itself to every sensible thinking person who has the true interests of the country at heart.

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Mr. Irwin.

Subsequent to the framing of this resolution, I read in the daily papers the report of a speech delivered by Your Excellency at Burdwan on the 9th ultimo, in which you said that one of the tasks which you cherish the laudable ambition to accomplish during your tenure of office is that of a big advance in the combat of disease in this Province, and this you repeated in the course of your most interesting address on the subject of malaria delivered in this Chamber on the 29th ultimo to the members of the District Boards of Nadia, Jessore and the 24-Parganas.

I beg respectfully to congratulate Your Excellency, and I am sure that all here present will agree with me that a more noble object it is impossible to conceive, and it encourages me to hope that you will lend a favourable ear to my suggestion to-day.

The present time seems very appropriate in which to introduce a resolution of this nature into this Council when the University Commission is sitting and deliberating on what alterations, if any, shall be made in the curriculum of studies and education being carried on in the school and Colleges of India.

I may say here that in response to a printed circular request from the University Commission for suggestions, I have already recommended the course embodied in my resolution.

One of the Old Latin authors speaks of the 'Mens sana in corpore sano.' I think that with the exception perhaps of poor, unhappy Russia, which by the way may well be taken as an object-lesson at the present time by our would-be legislators, no country in the world is more in need of the 'mens sana' than our country of India.

All of us here present must be well acquainted with the terribly insanitary condition in which fully 90 per cent. of the inhabitants of India live and the filthy state in which the immediate vicinity of their dwelling places is kept.

As an instance of the appalling indifference of lower class Indians of the present day to the question of sanitation, I may quote from the resolution of the United Provinces Government on the working of the District Boards for last year. In 1912 the Local Government introduced, as an experiment, the system of granting small sums to village committees, for the purpose of 'keeping their villages clean in their own way.' Most of the villages refused to take them, and so the experiment has been abandoned in all but three districts.

Thus even when given money free, for purposes of sanitation, villagers refused to make use of it.

Nothing, surely, My Lord, but persistent education can overcome this terrible apathy as regards health, and it is to this end that my proposal tends.

Even uneducated Indians are cleanly in their persons, but, to Western ideas at all events, there is a singular inconsistency in their habits. To give an instance, some of us must often have seen and wondered greatly at people standing up to their waists in water, washing their clothes and persons and then finally, before leaving, scooping up with their hands and rinsing out their mouths and necessarily, to a certain extent, absorbing the very water impregnated with the scouring of their clothes and persons.

Surely the inference may very well be drawn that such a deleterious habit must arise from ignorance of the danger incurred to health from it, and if only the habit of cleanliness in their food and surroundings as well as in

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their persons were to be persistently inculcated from youth that it would in time come to be regularly adopted, as the rising generation grows up, and then become second nature, greatly to the benefit of future generations.

Even in the most highly educated and civilized countries of the world it is comparatively of very recent years that the benefits arising from hygiene and sanitation have been recognized, and the effect which even the most ordinary precautions, such as the boiling of milk or drinking water, may have on the health or mortality of the consumers.

The ravages of diseases which prove most fatal in this country, viz., malaria and intestinal complaints of all descriptions, are particularly susceptible of mitigation to a certain extent at all events often by the most simple measures of sanitation.

Only recently Dr. Bentley, the Sanitary Commissioner of Bengal, has been giving a most interesting series of lectures, illustrated by lantern slides, on this subject, both in Darjeeling and Kurseong, and I was greatly struck by the intelligent interest displayed even by the lowest classes, and the questions which were subsequently put to me on the subject by some of my own people.

Dr. Bentley demonstrated the great danger of diseases, arising from impure water and milk, and fly-contaminated food, which are amongst the most common but also the most fatal in this country; at the same time he pointed out how often and how easily they can be mitigated and checked by the most simple methods.

It is, however, hopeless to expect to change the habits of centuries in a day, or a month, or a year.

The children of the present generation will be the fathers and mothers of the generation to come; let Government step in and insist that in all State-aided schools and Colleges, qualified instructors shall teach habits and methods of cleanliness not only in the person but in the food, the dwelling places and their surroundings. and without doubt another generation will demonstrate the beneficial result.

Mrs. Besant, in the course of her address on behalf of the Home Rule League to his Excellency the Viceroy and the Secretary of State at Delhi on 26th November last, attributes 'the short life period' and 'the high death rate' in this country to 'the lack of education, the appalling poverty and increasing indebtedness of the agricultural population' consequent on the inefficiency of the 'ruling oligarchy.'

I venture to think, My Lord, that if more sanitary habits and methods of living were imbued into the lives of the people, that 'the appalling poverty,' which in comparison with other countries I venture to doubt, and 'the increasing indebtedness of the agricultural population,' the accuracy of which statement I also question, might be eliminated as factors conducing to 'the high death rate' which she attributes to the misrule of her fellow countrymen.

According to the *Englishman* of 29th December last, I see that a resolution was passed, at a meeting of the Indian National Congress, held on the previous day to the following effect—

'That, having regard to the havoc caused, year after year, by malaria, plague and other epidemics and pestilences, this congress urges that question of sanitation should receive a far larger measure of attention than they do at present and that adequate steps be taken for the sanitary improvement of the country.'

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I think, My Lord, that the method I suggest 'for the sanitary improvement of the country', *i.e.*, by teaching the people themselves to give a 'larger measure of attention' to their sanitation, will prove in the long run far more efficacious and far less expensive than any other that can be devised.

I think after reading the above-quoted resolution that I may confidently rely on the support of most of my hon'ble friends of Indian nationality in this Council for my resolution and perhaps some of the medical experts present will express their opinions on the subject. I may say, My Lord, that I am authorised by Surgeon-General Edwards, our late Surgeon-General in this Province, and now Director-General of Medical Service in India, to say that this resolution has his strong support.

I may further say that I understand on good authority that a similar resolution is likely to be introduced very shortly in the Bombay Council, and further that it is likely to receive the favourable consideration of that Government.

Much more might I know be said in support of this resolution, but the benefit to be derived, if it be acceded to, is, I venture to think, so obvious that I will not take up any more of the valuable time of the Council by adducing further arguments, but will commend it to the favourable consideration of Government with the hope that not only will it be accepted, but that it will be given effect to with the least possible delay and not put in a pigeon-hole for possible further consideration at some future date."

The Hon'ble MR. ARDEN WOOD said :—

"My Lord, I venture to think that the Hon'ble Mr. Irwin has done good service by moving this resolution, and I am glad to give my hearty support to the principles that underlie it, if not to the resolution itself. For if there ever was a practical question it is this question of public health, and it is one, to the importance of which, in its larger aspects, Your Excellency's Government is clearly alive. I take it that the consideration that has affected the mover, as it affects all of us, is the terrible waste of human efficiency, and the economic loss to the country, owing to preventible ill-health. We should all welcome any steps that could be taken to increase the physical well-being of the people of this province. But it seems to me that the first condition of improvement is the awakening and enlightenment of public opinion on sanitary questions, on the prevention of disease, on the alleviation of physical disability. And I confess that I have no great faith in the teaching of hygiene in schools as a means of bringing this about. What is taught in schools is very apt to stay in the schools. No doubt great good has been done in England by the systematic instruction of the children in primary schools in cleanliness and the care of the person. That is practical. But the conditions in Bengal are widely different. Mr. Jack in his most interesting book 'The Economic Life of a Bengal District' says 'The Bengali is certainly the cleanest race on earth.' What we want public opinion stirred up about in Bengal is not so much personal cleanliness or the ventilation of dwellings, as the conditions of the communicability and spread of disease, the dangers arising from contaminated water and bad food—dangers from which the public in England are now largely protected.

As a matter of fact, hygiene has been taught more or less in schools in England for a number of years, and the subject has been examined upon by various public bodies. But there has not been any very appreciable effect upon public opinion or public health. On the other hand a step has been taken in recent years that has had momentous practical consequences. I refer to the medical inspection of schools. I quote a recently published report in saying that the inspection of school children in England 'has led to an advance in

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public health productive of a manifold financial return in national efficiency not expressible in figures.' And although the proportion of children of school-going age in Bengal is relatively small, nevertheless it is, I think, through the medical inspection of school children and the action taken in consequence that a real advance will be made towards the improvement of the public health. And such a procedure is much more likely to arouse the interest of the parents than lessons in hygiene. An Hon'ble Member had a resolution down for a previous meeting of Council proposing this medical inspection of school children. I do not know why he withdrew it; I should have been glad to support it. Perhaps at the present time there are difficulties in the way of providing the necessary expert inspecting staff. If so, I would suggest that some sort of beginning might be made that would need no expert staff, by making the schools keep a record of the physical measurements of their pupils. This may seem a very small beginning, but I think the practice would tend to arouse interest in the question of personal physical fitness, and the records would certainly be of interest and utility. An accurate record of variations of weight at different seasons of the year would of itself be valuable.

But even granting that the teaching of hygiene in schools would do no harm and might do some good I am strongly of opinion that the addition of hygiene as a compulsory subject in schools would be unfair to the schools. They already have more subjects to teach than they can do justice to. Let the subject be taught by all means in Training Colleges in association with elementary science. Here it might bear useful fruit.

And the proposal that hygiene should be made a compulsory subject in the Matriculation Examination seems to me to be singularly inopportune at a time when we are hoping that the University Commission will succeed in making the Matriculation what it really should be, namely, a means of selecting those students who are fit to pursue with advantage to themselves a course of liberal education leading to a degree.

I should like to suggest that the Government should consent to take up this important question, and that, on that understanding, the Hon'ble Member should withdraw his well-meant resolution."

The Hon'ble BABU AMBIKA CHARAN MAJUMDAR said :—

"My Lord, I fully appreciate the resolution which has been brought forward by the Hon'ble Mr. Irwin. It divides itself into two branches. First of all, he asks the Government to make the study of hygiene and sanitation a compulsory subject in all State-aided schools. In the second branch, he asks the Government to make it a compulsory subject for the Matriculation examination. No doubt it is of the utmost importance that our young men should know something of the elementary rules of hygiene and of sanitation before they learn anything else. The Hon'ble Member who has just spoken seems to think that medical inspection would be of greater use and advantage than instruction in hygiene and sanitation. I do not clearly understand him. Medical inspection may be very good, but I do not think mere medical inspection without the student being grounded in the elementary rules of hygiene and sanitation can be of much use, because before the medical men go to inspect the schools and to instruct the students the students must know something about hygiene and sanitation. There is no real conflict between the Hon'ble Mr. Irwin and the Hon'ble Member who has just spoken. One may be supplementary to the other; but at the same time there is some difficulty in making the subject compulsory in the University Matriculation examination. The resolution itself is somewhat self-contradictory. First of all, it asks the Government to make the study of hygiene and sanitation compulsory in State-aided schools, but the University examination is not confined

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simply to the State-aided schools, and it would be unfair to make a subject compulsory which is not compulsory to all the schools that send up for the Matriculation examination. What I think may be done is to make the subject optional. On this point, I believe, it is the Vice-Chancellor who will be able to speak more authoritatively, although I think if it be made an optional subject, students, who may take it up, will be able to pass better by securing a larger aggregate of marks, and it would be an incentive to non-aided schools to introduce hygiene and sanitation gradually in order to take advantage of the optional subject. In this connection I like to bring to Your Excellency's attention one fact which is of some importance. A good deal of money is being spent in the zanana classes. I know from my experience that our ladies who attend these classes do not like the simple literary education which is given to them. They are taught 'Bodhudaya', 'Charitabali', 'Charupath' and 'Sitarbanabash.' They say, and very rightly say, that they know more than this. In the zanana classes there are ladies who are generally matrons. What they want is that some instruction in sanitation and hygiene should be given to them so that they might attend to their children. They want particularly to know how to attend to their children and how to treat and take care of them in simple cases. I had once a discussion with one of the inspectresses on the subject. She admitted the force of the arguments and also admitted that that was the reason why our zanana class was not a success. She complained, and very rightly complained, that there were no qualified teachers to teach these subjects. The mistresses that are employed have merely literary education, but they have no adequate qualification in hygienical and sanitary rules. With these observations I heartily support the principle embodied in the resolution of the Hon'ble Mr. Irwin, but I do not clearly see my way to support the second branch of this resolution."

The Hon'ble BABU KISHORI MOHAN CHOUDHURI said :—

"My Lord, I have great pleasure in supporting the principle of this resolution, and I am specially thankful to Mr. Irwin as it clearly shows that he feels for us. There is some difficulty, however, in making it compulsory in the beginning. I am also of the opinion of my hon'ble friend Babu Ambika Charan Mazumdar, that it should not be compulsory at first and that special arrangements should be made for teaching the girls sanitation. Malaria and poverty are really the most important questions to be combated against, and as I come from a district which has especially suffered from malaria—I mean the district of Rajshahi—I fully appreciate and am really thankful to the Hon'ble Mr. Irwin for the resolution he has brought forward. I hope something can be done; simply medical inspection or spending some money for the prevention of malaria will not be sufficient. If the boys are taught sanitation they will, when they become the head members of the family, be able to introduce sanitary measures which will benefit the country at large. I have great pleasure in supporting the principle of the resolution with this modification that it may be optional in the beginning and that gradually it will be made compulsory."

The Hon'ble DR. NILRATAN SARKAR said :—

"My Lord, I think it my duty to support generally the resolution moved by the Hon'ble Mr. Irwin. As to the necessity of teaching hygiene and sanitation, there cannot be any question. It has been suggested that the school inspection of children may replace the teaching of sanitary science or hygiene. My Lord, as the Hon'ble Mr. Arden Wood has said, our peasants and our cultivators in the far-off villages are the cleanest of human beings, but does this fact prevent them from falling victims at the earliest chance to dysentery and cholera; and what is the reason that they fall victims to some of the most

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ordinary diseases that could be prevented. It is only due to the want of knowledge and knowledge only. My Lord, it has been said that knowledge is power, but this common adage applies with peculiar force to the conditions of Bengal at the present moment. The necessity which seems paramount at the present moment is to create a sanitary conscience in our people and to create the conviction in their minds as to certain truths and certain facts which may be palpable to others in better positions. So far as education is concerned, the poor villager does not know that it is the mosquito that is his accursed enemy. He does not know the ordinary rule that by boiling his drinking water he can be saved a world of troubles and miseries and that he can also save himself and his family from death. This is what he is to be told and what he is to be taught, and that ought to be a part of the primary education that we aim at introducing in the country. My Lord, it is a necessity in after-life to have a knowledge of general hygiene and sanitation, and looked at from this point of view, it is a necessity in our organizations—those very organizations which have been created and which are being created by Government whose primary object is to look after the sanitation of the province. Our local bodies have members, many of whom, for the want of sanitary knowledge, find it difficult to discuss and decide sanitary matters, either in compliant and amiable ignorance or oftener in compliant and obstinate refusal. Many of them are placed in very false positions when important measures come before them for discussion. No wonder there is no training in sanitary matters in all the strata of our education. I would like to see sanitary education permeating all the different grades of our education in this country; such a state of things can only be generally favourable to the development of those institutions and the spread of these ideas which Your Excellency's Government aim at in Bengal, because otherwise co-operation from the people is either hopeless or finally impossible.

My Lord, a question has been raised as to whether it should be made a compulsory subject in the Matriculation examination or not. I am unable at this moment to vote with the Hon'ble mover on this point, because this important question of making a course on sanitary science a compulsory subject in the Matriculation is correlated with many other important questions that are not before us to-day, and this question must be discussed and considered in the light of these questions; but there is no doubt that before the Matriculation stage the study of sanitary science should be introduced in our schools; it does not matter whether it is a subject for the Matriculation examination or not. Every student ought to have clear ideas regarding sanitation. Another objection has very often been urged against proposals for introducing sanitary education elsewhere on the ground that the study of sanitary science, as that science is of a composite nature, must be based upon a previous study of some of the simpler sciences like Chemistry, Physics and elementary Biology. I quite agree with those gentlemen who urge this argument against sanitary education without any scientific basis. When we aim at education in sanitary science in the higher grades, that is the sort of sanitary education that is to be imparted to experts, medical men and others concerned with the department; but for the general public we do not require that sort of scientific education, and we must attempt to give a sort of education which can create conviction in the minds of the young people that such a thing has to be done and such a thing has to be avoided, that the mosquito and the fly must be prevented from having access to his rooms anyhow, or that the water must be boiled before use. If we can create such a conviction in the minds of the young people, I think that would be one of the most desirable things in Bengal even if we have to sacrifice the claims of science to some extent. Therefore I feel that from the point of view of necessity as well as from the point of view of practicability to some extent, the resolution deserves our support.

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The question of teachers is involved in the resolution. My Lord, the President of the State Medical Faculty is present here, and I suppose my statement will be borne out by him when I say that there are 2,500 qualified men on his list—all medical men—who could be utilised for the purpose of diffusing sanitary education in the land. I see no difficulty as regards that. Of course there is the question of finance involved in this matter, but I do not think that it is desired that that question should be discussed here. On the whole, therefore, I think it my duty to support, with my whole heart, clauses (*i*) and (*iii*) of the resolution, whereas as regards clause (*ii*), although I think it is desirable, I am unable to give it my formal support, considering that the question more properly falls with the province of the University."

At this stage the Council was adjourned for lunch.

The Hon'ble BABU BHABENDRA CHANDRA ROY said :—

"My Lord, the sight of a non-official European member actively interesting himself in a question affecting the well-being of the Indian community is indeed inspiring to the Indian section of this House. If the Hon'ble Mr. Irwin and his friends, while occupying a bench sacred to the cause of silence, will from now hold out their hand to us in comradeship, we will only too readily grasp it with all the warmth of oriental sincerity and gratitude.

Sir, coming to the subject matter of the resolution, I am in complete sympathy with the Hon'ble mover. The health of our school-children should receive the most careful attention at the hands of the educational authorities. The large percentage of rejections among the recruits to the Bengali Battalion and the Indian Defence Force is an alarming indication how the youth of Bengal stand in point of health. And any measure which may have the effect of promoting the physical well-being of our race is bound to receive our support. An American writer has asked the question "Why not compulsory health for all—children, youths and adults—in so far as it, like education, is individually attainable? It is no more chimerical, Utopian or dangerous", says the writer, "than compulsory education sounded to our forefathers, and it is a good deal more necessary. All sickness is waste, and most of it is unnecessary". This is the verdict of America. And we hope that we shall be able to act up to it in no distant time."

The Hon'ble MR. PROVASH CHANDRA MITRA said :—

"My Lord, in the first place I desire to congratulate most respectfully the Hon'ble mover of this resolution for bringing forward a resolution of such importance before the Council. It is, I believe—I speak subject to correction—the first time in the history of the reformed Council that a non-official European member has brought forward a resolution of this nature touching the welfare of the masses and the classes of Indians in this country and let me hope, My Lord, it is a happy augury of the future. We hope that Indians by birth and Indians by adoption will work together and put their shoulders to the wheel for the common weal of Indians by adoption and of Indians by birth. My Lord, I have every sympathy with the object of this resolution, and I believe that the principles underlying this resolution will do the greatest possible good to my community. If I offer some criticism to the resolution as it stands I do so for furthering the object which the Hon'ble mover has in view and not for defeating the principles of this resolution. From the remarks made by some of my Hon'ble friends who have preceded me two points stand out before us. It has been criticised by the Hon'ble Mr. Arden Wood that the mere introduction of the teaching of hygiene and sanitation will not serve the object in view; that spread

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of knowledge regarding hygiene and sanitation by experts is the real thing. There is a good deal of truth in this criticism. It has also been pointed out by the Hon'ble Dr. Sarkar that introduction of study of sanitation and hygiene in our school curricula will spread knowledge about hygiene and sanitation. What I mean is this: it is the business of experts to find out the truths about these matters by patient investigations, but mere finding out of the truth will not do—the truths have got to be put before the public and the truths have got to be assimilated by the public at large and what better medium can there be than of our schools where children will learn those truths which the patient labour and researches of experts have found out. Therefore, it seems to me, My Lord, that it is as much necessary to give effect to the criticisms of the Hon'ble Mr. Arden Wood as it is necessary to introduce a knowledge of hygiene into our schools and universities. But, My Lord, the portion of the resolution to which I have some criticisms to offer is the portion where the Hon'ble mover seeks to make the teaching of hygiene compulsory in our schools and in our University. I feel that at the present moment we have not got enough competent teachers; when I say we have not got competent teachers I do not mean that there are none; there may be some teachers but the number will be insufficient to teach all boys if these subjects be made compulsory, and what I suggest to my Hon'ble friend the mover of the resolution is that instead of making hygiene and sanitation compulsory to start by making it optional, and subject to the approval of the Hon'ble mover I should like clause (*i*) to read as follows:—

> (*i*) The teaching of hygiene and sanitation by duly qualified teachers be made *optional* in all State-aided schools, both for boys and girls in the province.

Then as regards clause (*ii*) I should like to read it as follows:—

> (*ii*) These subjects be included as *optional* subjects for the University Matriculation examination.

As regards clause (*iii*) I would suggest my Hon'ble friend the mover to delete it for the present. The subject is one of such importance that I do not think that we should hastily attempt to make provision for it in the budget of the current year. If the subject has got to be tackled with any seriousness then it must cost a large sum of money. The budget of the present year is more or less a fixed thing and after all, however important the subject may be, a delay of one year will not be a delay which will be thrown away. In this one year we may properly investigate into the question; and we may properly consider how the matter can be best introduced and how the money can be best utilised. I suggest that instead of provision for giving effect to the resolution being made in the next budget such provision may be made in the budget of the following year. With these remarks I support the principles of this resolution."

The Hon'ble Dr. Howells said:—

"My Lord, I do not know whether I find myself in full agreement in any one of the three points mentioned in the resolution, but I am in most hearty agreement with what the speaker wants. It seems to me exceedingly fundamental in our plans for progress that there should be spread by every possible legitimate means a larger knowledge of sanitation and hygiene. The amount of ignorance on matters of this kind now in existence from Chairmen of Municipalities down to common coolies is simply appalling. It is seldom that you get men apart from those who have come in immediate touch with the results of sanitation and are in touch with medical practice who are aware of its great effect on health. It is really rare to find in the ordinary

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man any knowledge of sanitation and hygiene and all that it stands for. How far actually teaching in schools may be helpful it will be difficult to say. But one thing I do know that in an area of which I have some practical experience, practical demonstration proved to be exceedingly helpful and that is the introduction of filtered water in the town of Serampore. The number of people who believed in filtered water in Serampore three years ago was exceedingly limited. But the manifest effects of filtered water on the health of the people, the rapid decline in cholera owing to the introduction of filtered water has now become known to the common coolie. I should say that a simple demonstration like this would have more beneficent effect and would spread sanitary knowledge in the district than years and years of sanitary teaching would do without such demonstration in our schools. No amount of teaching unless it is backed up by a persistent and steady advance in the way of introducing measures of this character throughout the length and breadth of Bengal as far as finances allow would do any good. Practical demonstration seems to me the permanent solution of the problem. More than twenty years ago when I came out to this country I had the privilege of teaching in a high school and in those days there was a selection of books in connection with the Calcutta University in which there were several chapters on sanitation. I had to teach sanitation as contained in those chapters. That was rather a perfunctory way of teaching sanitation. And unless sanitation has some real and practical background, I am doubtful whether it will produce in any way any good result. We are all of the same opinion on the importance of the subject and the desirability of introducing a conscience on the subject amongst the people. After all it is not long since that we English people have come out of the dark in this connection. In the days of our fathers the idea of sanitation was of a very fundamental character, and if we read of the conditions in old Calcutta, we find that it reflected very little credit on the part of those concerned and we can only say that there was very little or no idea of sanitation a hundred years ago. But the most satisfactory thing in Europe amongst the working classes is that there is a real conscience among them of sanitation and hygiene. And how has this come about? The Hon'ble Mr. Arden Wood mentions about inspection of schools by doctors. But is it to be on a compulsory or voluntary basis? I think this would be beset with difficulties. I think that if the Government promises to look into the question and see what steps can be taken for giving effect to the purposes of this resolution, it would be the best way of dealing with this. The question of combating the positive ignorance of the people in regard to sanitation is a serious one, and it is also necessary to deal with the mischievous idea that is prevalent about sanitation."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I rise to give my support to the resolution that has been moved by my Hon'ble friend Mr. Irwin. I have followed with considerable interest the preceding speakers and I find that there is a consensus of opinion in support of the resolution that has been moved by the Hon'ble Mr. Irwin. Some of my friends say that they support the principle of the resolution but they do not go far to support some of the details. So far as I am concerned I have not been able to quite follow some of my Hon'ble friends who have preceded me and who think that it is not needed to make the study of hygiene and sanitation compulsory in schools or for the Matriculation examination. I think, My Lord, as far as I have been able to gather, that there is much in the proposal to make the study of hygiene and sanitation compulsory to commend itself to this Council. I remember also that Bengali was at first an optional subject in the Matriculation examination in my days, and I believe it is now a compulsory subject. I know very well how much the study of our own language was neglected in those days when Bengali was merely an optional

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subject for the Matriculation examination and also for the First Arts which is now called the Intermediate Examination. I think, My Lord, there is nothing, so far as my community is concerned, objectionable to make the study of hygiene and sanitation a compulsory subject in the Matriculation examination. The Hon'ble Mr. Arden Wood has said that the Matriculation examination is intended to examine the fitness of students who go in for the Arts examination, *i.e.*, for the higher courses of study. I believe the study of books is a comprehensive thing and the study of hygiene and sanitation may well be included in the curriculum of the Calcutta University. I do not, in supporting the resolution of the Hon'ble Mr. Irwin, minimise the importance of remedial measures regarding the improvement of the condition of things in villages and in mufassal towns in addition to the supply of filtered water, the improvement of drainage, the cutting of jungles and many other things. I believe that in addition to other subjects the study of hygiene and sanitation in our schools and *pathsalas* will be very useful in attaining the object we all have in view, namely, the general improvement in the sanitary condition of this Presidency and especially of Indian homes and surroundings. With this view, as a member of the Indian community, I gladly welcome the resolution which has been moved by the Hon'ble Mr. Irwin in the interest of our community."

The Hon'ble SIR S. P. SINHA said :—

"My Lord, I need hardly assure my Hon'ble friends that the Government is in entire sympathy with the object of the Hon'ble Mr. Irwin in moving this resolution. That object, I conceive, is to be attained by the spreading of the knowledge of ordinary simple rules of hygiene amongst the people and thereby rendering them more capable of avoiding those unhealthy conditions which lead to disease. I can assure the Council that this subject has received for a long time past the earnest and continuous attention of Government. In the well-known resolution of the Government of India on the educational policy of Government, dated the 31st February 1913, the Government of India said this :

'The claims of hygiene are paramount not only in the interests of the children themselves, though these are all-important, but also as an object-lesson to the rising generation. Hitherto want of funds and the apathy of the people have been responsible for the comparatively small attention paid to hygiene.'

I am afraid we have not progressed very far in either of these directions. The resolution goes on to say :

'In some provinces a simple course of instruction in hygiene is prescribed at some period of the school course, but the lessons are often of too formal a type, are not connected with the life of the pupil and fail to form his habits or to enlist his intelligence in after-life in the struggle against disease. In some areas, there is a general inspection of school premises by medical authorities; but it is believed that little is done for the individual inspection of school children, and that medical advice has not always been enlisted in regard to the length of the school day, the framing of curricula, and such matters. The Government of India commend to local Governments a thorough enquiry by a small committee of experts, medical and educational, into school and college hygiene. The scope of the enquiry will no doubt vary in different parts of the province, but the following seem to be important matters for investigation :—

(i) The condition of school houses, hostels and other places where pupils reside, from the point of view of sanitation.

(ii) The professional examination of building plans, from the hygienic point of view.

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(iii) The introduction of a simple and more practical course of hygiene; whether it should be a compulsory subject in the various schemes of school-leaving certificates, and whether it should be recommended to Universities as part of their Matriculation examination. (This is the subject matter of the resolution.)

(iv) The inspection, where possible, of male scholars, with special reference to infectious diseases, eye-sight and malaria. (This point has been mentioned by the Hon'ble Mr. Arden Wood.)

(v) The length of the school day, home studies, and the effect upon health of the present system of working for formal examinations.

(vi) The requirements in the way of recreation grounds, gardens, gymnasia, reading rooms, common rooms, etc.

(vii) The inspecting and administrating agency required, the possibility of co-operation with existing organisations and the provision of funds.'

Now in pursuance of that policy, in 1913 the Government of Bengal appointed a representative committee to enquire into the whole subject of school and college hygiene. The committee included men of practical experience and insight into educational problems, both from the physical and intellectual point of view. It was presided over by the Director of Public Instruction (Mr. Hornell) and its members were Colonel Clemasha, the then Sanitary Commissioner, the Sanitary Engineer, Dr. Grey, the Adviser on Physical Education to the Government of Bengal, Colonel Deare, Sir Kailash Chandra Bose, Mr. Smith Allen, Miss Brocke, Mr. Saroda Ranjan Das and Maulvi Wahed Khan Bahadur with Mr. Stark of the Education Department as Secretary, and amongst the subjects which they were asked to enquire into were the introduction of a simple and practical course of hygiene, whether it should be compulsory and whether it should be recommended to the University as a subject in the Matriculation examination. That committee held protracted sittings and afterwards made an unanimous recommendation to the Government of Bengal. They were of opinion that there should be a course of hygiene and sanitation for the four upper classes of high schools, for which at present there was no provision; but the difficulty they felt was the want of teachers to whom the task of teaching these children could be confided. As regards European schools, steps have been taken on the basis of the syllabus drawn up by the hygiene committee to make the study of hygiene compulsory both for boys and girls. As regards Indian schools, the Government accepted the principle that the teaching of hygiene should be an integral part of the secondary school course and that a working knowledge of hygiene should be a *sine qua non* of the teachers, and for that purpose it would be necessary to include hygiene in the course for training schools. There is a scheme now being prepared by the Director of Public Instruction with that object, that is, for introducing hygiene in the course for training schools. I am sure the Hon'ble Mr. Irwin will be the first to recognise that we cannot carry out his resolution, even if we wanted to, unless we had duly qualified teachers who are to carry out the teaching of hygiene in the schools. The first thing, therefore, is to get the teachers. We are having a scheme prepared and it is to be hoped that we shall have in the near future funds to carry out that scheme. As I was telling the House with reference to the report of the committee, we sent up a comprehensive scheme of school and college hygiene costing Rs. 50,000 a year. We had accepted the suggestion that oral instructions should be supplemented by magic lanterns, charts and diagrams. The Government of India, after carefully considering our scheme, expressed their

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general approval of it, subject to a very important condition, namely, that the Government of Bengal should be able to finance it from provincial revenues when normal conditions were restored. Therefore, with the greatest possible desire to give effect to the general demand for providing a certain amount of teaching of hygiene and sanitary science in the schools, we have not got, first of all, the teachers to do it ; and, secondly, we have not got the money either to train the teachers and we have got to wait till we can get both money and teachers. Now that I have explained the attitude of Government with regard to the first part of the Hon'ble Mr. Irwin's resolution, namely, the provision for the teaching of hygiene in aided schools, I may mention for the information of the Hon'ble mover that that scheme includes as one of its essential portions a scheme for the medical inspection of children in schools. The Government believe that both are necessary for the objects which we all have in view—the medical inspection of children as well as the teaching of hygiene and sanitary science.

Taking the second part of the Hon'ble Mr. Irwin's resolution, that also, as I have already said, has been engaging the attention of the Government of India and of this Government, and after consulting the local Governments, the Government of India came to the conclusion somewhat contrary to their first idea that it would not be desirable to make the course in hygiene in higher institutions *compulsory*. They point out to us in their letter of the 18th January 1917 that 'such of the local Governments as have intimated their opinion were not in favour of the teaching of hygiene as a separate subject for examination. The Government of India are prepared to accept this conclusion, for as a result of further consideration, they are themselves inclined that the insistence on the instruction of pupils in hygiene with a view to an examination test would probably only lead to a somewhat formal and superfluous course of instruction. They are disposed to think that a preferable alternative would be to give practical instruction to teachers in hygiene. In these circumstances, having regard to the fact that a test in hygiene does not properly fall within the scope of an University examination as such, the Government of India are not at present prepared to invite the Calcutta University to consider whether sanitation and hygiene should be recognised as alternative subjects for the matriculation examination.' I think that disposes of the second portion of the resolution, as regards hygiene and sanitary science being made compulsory subjects for the University examination.

With regard to the third point, the conclusion follows from what I have already said before that it would be premature altogether, even if it were possible, to talk of making allotments in the budget for this purpose. We are all of us convinced that in the interests of the pupils, it is necessary to create or to stimulate the 'sanitary conscience.' It is recognised that one of the best ways of doing that is to give a certain amount of instruction in the schools with regard to hygiene and sanitary science, but for that purpose there are two things that are essential—*first*, the provision of an adequate number of well-equipped teachers and, *secondly*, funds. Neither of these is available, and, I am afraid, neither will be available for some little time to come. We must be satisfied, therefore, with the gradual progress that is being made, and I am sure Hon'ble Members will recognise that some progress has been already made, and that we must trust to better times for the purpose of carrying out the full programme sketched in the resolution of the Hon'ble Mr. Irwin."

The Hon'ble MR. IRWIN said :—

"My Lord, in deference to what appears to be the general wish of Hon'ble Members, I am prepared to agree to substitute the word 'optional' for the word 'compulsory' in the second paragraph of my resolution. I

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would further ask Your Lordship's permission to add to the first paragraph of my resolution the following words :—

'and that grants be made to unaided schools for similar teaching under conditions to be settled by the Director of Public Instruction.'

As regards the objection of want of funds, surely, My Lord, I need say nothing more than that for such an object there are many other projects which should be set aside or postponed until less stringent times.

As to the difficulty of providing qualified instructors, I would ask if the assistance of the Sanitary Commissioner, who is also the Professor of Hygiene at the Medical College, has been sought?

Dr. Bentley assures me that, if given the means and authority, he would guarantee to provide sound teaching in a hundred municipalities in the Province within six months. Has not the appointment of a Deputy Sanitary Commissioner been already sanctioned? If so, why has it not been given effect to by the appointment of a qualified man? Less than Rs. 10,000 would suffice for this.

In conclusion, I have here, My Lord, a most interesting pamphlet on this subject published, in 1877, by Dr. John Murdock, from which none will admit of my quoting to-day, but which I commend to the notice of the authorities. It is prefaced by the words :—

'An appeal to the Indian Government, the Director of Public Instruction and the University Authorities on behalf of the Dumb Millions of India, the victims of indescribable misery and whose death-roll is doubled from a violation of the Laws of Health.'

If those words, My Lord, do not appeal to those in authority to give a favourable ear to my resolution, nothing that I can add will. I can only appeal to Government not to neglect this opportunity of trying to relieve the sufferings of millions."

The PRESIDENT said :—

"Does the Hon'ble mover wish to move the resolution in the amended form?"

The Hon'ble Mr. IRWIN said :-

"If Your Lordship permits me, I would move the resolution in the following amended form :—

This Council recommends to the Governor in Council that—

(i) the teaching of Hygiene and Sanitation by duly qualified teachers be made compulsory in all State-aided schools, both for boys and girls, in the province; and that grants be made to unaided schools for similar teaching under conditions to be settled by the Director of Public Instruction;

(ii) these subjects be included as optional subjects for the University Matriculation Examination; and

(iii) provision for the above be made in the next budget."

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A division was taken with the following result :—

Ayes—24.

The Hon'ble Sir Rajendra Nath Mukerji, K.C.I.E.
" " Dr. Nilratan Sarkar.
" " Mr. J. Mackenzie.
" " Mr. Aminur Rahaman.
" " Rev. Dr. G. Howells.
" " Mr. Provash Chunder Mitter.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishore Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Mr. E. B. Eden.
" " Mr E A. Martin.
" " Mr. H. R A. Irwin.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fuzl-ul-Haq.
" " Babu Bhabendra Chandra Ray.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " Babu Mohendra Nath Ray, C.I.E.
" " Babu Kishori Mohan Chaudhuri.
" " Babu Ambika Charan Mazumdar.

Noes—18.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Sir Satyendra Prasanna Sinha, KT.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Mr. J. Donald, C.I.E.
" " Mr. L. S S. O'Malley.
" " Mr. F. A. A. Cowley.
" " Lt.-Colonel W. J. Buchanan, C.I.E., I.M.S.
" " Mr. C. H. Bompas
" " Mr W. C. Wordsworth.
" " Mr. C. F Payne.
" " Mr. E. B. H. Panton.
" " Rai Priya Nath Mukherji Bahadur, I.S.O.
" " Mr. W. H H Arden-Wood, C.I.E.
" " Mr. F W. Carter, C.I.E.
" " Khan Sahib Aman Ali
" " Mr. Altaf Ali.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K. C.
" " the Nawab Bahadur of Murshidabad, K.C.S.I., K.C.V.O.
" " Raja Hrishikesh Lala, C.I.E.
" " Mr. R. Glen.
" " the Maharajadhiraja Bahadur of Burdwan, K.C.S.I., K.C.I.E., I.O.M.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Mr. M. Ashraf Ali Khan Chowdhuri.
" " Rai Sri Nath Ray Bahadur.
" " Mr. K. B. Dutt.

The Ayes being 24, and the Noes 18, the motion was carried.

LIST OF BUSINESS—ITEM No. 14.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that a special division of the Public Works Department, to be called "the Damodar Embankment and Drainage Division", be formed with effect from the beginning of the next official year.

He said :—

"My Lord, the necessity for embankments in the district of Hooghly has long been recognised, and they date back to a period anterior to British rule. It was, in fact, considered to be a duty of the zamindars 'to secure their lands from inundation by repairing the embankments.' The cost of repairing the *bandhs* was known as *pulbandi* and was realised by the

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zamindars from the tenants concerned. When the British took over the ceded districts, numerous embankments were in existence in Hooghly, the most important being within the Burdwan Raj Estate, which owned those along the Damodar.

From the earliest times the district of Burdwan has been protected from floods by embankments along the Damodar. At first individual efforts rather than public contribution provided for their construction A landowner whose field was threatened would construct a *bandh* to save it with the result that the flood water would attack some other point further down. The process would be repeated again and again until the banks of the river were protected by a series of regular embankments. Before the last half of the nineteenth century, however, these were neither so extensive nor so strong as to effectually check the fury of the great floods to which hill-fed streams, such as the Damodar, are liable, and the early history of the district is full of accounts of disastrous floods which breach the embankments and caused widespread damage. The earliest recorded occurred in 1770, and the injury which it caused to the winter rice crop intensified the famine of that year. The inundation was first observed on the 29th September, when the waters of the Damodar rose to a level with the top of the embankment and near the western extremity of the town of Burdwan, the embankment gradually gave way. The damage was repaired, but four or five days later a second rising of the river resulted in the entire destruction of the embankment. Every effort to check the violence of the torrents proved in vain and the town of Burdwan was almost totally destroyed, not an earth-built hut remained, and even houses constructed with bricks suffered considerably.

Mr. W. W. Hunter, of the Bengal Civil Service, furnished the following information to the Hon'ble George Campbell, one of the Judges of Her Majesty's Supreme Court of Judicature in Bengal, and President of the Famine Commission, in the Minutes appended to the Famine Report of 1769-88 :—

'Before the end of the rainy season in 1770 the evident depopulation had excited grave apprehension in the minds of the Council. While a third of a generation of the poor had been thus swept from the face of the earth, a whole generation of once rich families had been reduced to poverty. On every side we hear of the revenue famines, a wealthy class, who then stood forth as the visible Government to the common people, being unable to realise the land tax, stripped off their office, their persons imprisoned and their lands, the sole dependence of their families, re-let. The ancient houses of Bengal, who were afterwards acknowledged by the British Government as the lords of the soil, faired still worse. The Raja of Burdwan, whose province had been the first to cry out, and one of the last to obtain relief, died miserably towards the end of the famine, leaving a treasury so utterly drained that his son, a boy of sixteen, had to melt down the family plate, and, when this was exhausted, to beg a temporary loan, in order to perform his father's obsequies. Ten or fifteen years later we find the unfortunate prince, unable to satisfy the Government demands, a prisoner in his own palace. His successor at the present day enjoys an income reputed at more than a hundred thousand sterling * * *. The two great potentates in the west of Lower Bengal were reserved for a more cruel fate. At the close of the famine, the Revenue Agents, being unable to wring the land tax out of their depopulated estates, were sharply dispossessed and when the local records open we find one of the princes, the aged Hindu Raja of Bishenpore, let out of the debtor's prison only to die, and the other, the youthful Mussalman Raja of Birbhum, hardly suffered to obtain his majority before he was confined for arrears'.

Another flood which seems to have been equally disastrous occurred in Burdwan in 1787. Describing the damage caused by it, the Collector,

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Mr. Kinloch, wrote: 'The town is totally destroyed, not a vestige of a mud house remaining and even those built of brick" are many of them fallen or so entirely damaged that a longer residence in them becomes dangerous. Many people have lost their lives and great number of cattle are drowned.'

The inundation of 1823, which commenced on the night of the 26th September, was caused by the bursting of the Damodar, the Baghirathi and minor streams.

The flood of 1855 resulted in the destruction of the embankment on the right side of the Damodar in the district of Burdwan.

The successive floods of the Damodar in recent years which are so well known have made the material condition of the people very bad and the sufferings of the inhabitants of the affected localities can be better imagined than described.

At present the South-Western Circle of the Public Works Department, is divided into four divisions, viz. :—(1) Cossye, (2) Northern Drainage and Embankment, (3) Circular and Eastern Canals and (4) Midnapore Canal Revenue Division.

(1) The Cossye Division contains the districts of Midnapore, Hooghly and Howrah, with divisional headquarters at Midnapore.

(2) The Northern Drainage and Embankment Division contains the district of Hooghly, Burdwan, Birbhum, 24-Parganas and Howrah with the divisional headquarters in Calcutta.

(3) The Circular and Eastern Canal Division comprises the districts of Khulna, 24-Parganas, Jessore, Bakarganj and Faridpur, having the divisional headquarters in Calcutta.

(4) Midnapore Canal Revenue Division contains the districts of Midnapore and Howrah, having the divisional headquarters at Midnapore.

The Central Circle is divided into two divisions, namely, (1) Burdwan and (2) Nadia Rivers Division.

(1) The Burdwan Division contains the districts of Hooghly, Burdwan, Birbhum, Bankura and Jessore, with divisional headquarters at Hooghly.

(2) The Nadia Rivers Division comprises the districts of Murshidabad, Nadia, Burdwan and Birbhum, having the divisional headquarters at Berhampore.

Incorporation of the above-named districts in the several divisions, as noted above, is neither geographically nor politically consistent. These divisions are rather arbitrary. Therefore, the above districts as comprised in two circles should be re-distributed and in consideration of the gravity of the situation caused by the Damodar floods in the districts of Howrah, Hooghly and Burdwan, some of the aforesaid divisions should be amalgamated and without incurring further expenditure a special division of the Public Works Department to be called the 'Damodar Embankment and Drainage Division' can be formed. The question of mitigating the untold sufferings of the vast population of more than 800 villages is a very important one.

Therefore, from the administrative point of view, the formation of the 'Damodar Embankment and Drainage Division' with divisional headquarters at Burdwan or Hooghly and not in Calcutta is very desirable and urgent.

With these few words, My Lord, I move the resolution for the acceptance of Your Excellency's Council."

Resolutions.

Mr. Cumming; Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble MR. CUMMING said :—

"Sir, the historical aspect of the Hon'ble Member's speech is somewhat wanting in relevancy; but as regards his suggestion for a re-distribution of the organization of the Public Works Department, there is much to be said; and, indeed, if the Hon'ble Member will examine the past records of the Department, he will find that the Department has not been unwilling to re-distribute its staff as occasion requires.

As regards this particular point, namely, that a special division of the Public Works Department, to be called the Damodar Embankment and Drainage Division, be constituted, I desire to say at once on behalf of Government that the formation of such a division is contemplated. The area in question, as correctly stated, is included in the Northern Drainage and Embankment Division, which is a heavy charge; and a further subdivision of responsibility is desirable. At the same time, it must be made clear that it is not possible, owing to the insufficiency of staff, to say that the division will be formed at the beginning of the next official year or even during the currency of the war. It should be remembered that war is responsible for the reduction of more than one-fourth in the superior staff of the Public Works Department, and it is with extreme difficulty that the existing organization can be carried on even as it is. If the Hon'ble Member would be prepared to alter the terms of his resolution by the substitution of the words 'as soon as possible,' for the words 'with effect from the beginning of the next official year,' then Government would be prepared to accept the resolution in the modified form."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I accept the suggestions made by the Hon'ble Mr. Cumming and beg to move the resolution in the following amended form :—

'This Council recommends to the Governor in Council that a special division of the Public Works Department, to be called 'the Damodar Embankment and Drainage Division' be formed as soon as possible.'

The motion was put in the amended form and agreed to.

LIST OF BUSINESS—ITEM NO. 15.

The following resolution which stood in the name of the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR was, by leave of the President, withdrawn :—

This Council recommends to the Governor in Council that Mr. C. Addams-Williams of the Public Works Department be placed in charge of the proposed Damodar Embankment and Drainage Division.

LIST OF BUSINESS—ITEM NO. 16.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that a Standing Committee of officials and non-officials for the proposed Damodar Embankment and Drainage Division be constituted, with the Commissioner of the Burdwan Division as President.

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Mr. Cumming; Maulvi Abul Kasem; Rai Mahendra Chandra Mitra Bahadur.

He said :—

"My Lord, this resolution speaks for itself, and I submit that a Standing Committee ought to be appointed."

The Hon'ble MR. CUMMING said :—

"Sir, the Hon'ble Mover's speech is commendably short. Presumably he refers to the Committee, the constitution of which was contemplated in the resolution of the 3rd July, 1906. In accordance with that resolution, Committees were formed for many districts, including those in the Damodar basin, namely, the Midnapur, Bankura, Birbhum, Burdwan, Hooghly and Howrah districts. The personnel was to consist of the Commissioner of the Division as President, and the Collector, the Superintending Engineer, the Executive Engineer, the District Engineer, and selected landholders as members. The attention of the Commissioner will be drawn to the appointment of such Standing Committees, and the lists of names of landholders will be revised in accordance with existing conditions and requirements. Under the terms of that resolution, such Standing Committees are to be convened by the Commissioner when required.

In this case, again, Government would be prepared to accept the recommendation in the resolution, if the wording be slightly altered. I suggest for the Hon'ble Member's consideration that the resolution might read as follows :—

'This Council recommends to the Governor in Council that Standing Committees of officials and non-officials for the districts in the Damodar basin be constituted in accordance with the terms of the resolution of the 3rd July, 1906.'

If the Hon'ble Member would accept this as a modification of his original resolution, on behalf of Government, I would be prepared to accept it."

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, after the assurance given by the Hon'ble Mr. Cumming, that if the changes proposed by him be acceptable to the Hon'ble Mover, the resolution will be accepted by Government, I do not think that I need trouble the Council with any speech of mine. I hope that the Hon'ble Mover will accept the suggestions of the Hon'ble Member in charge."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR then moved the resolution in the following amended form :—

"This Council recommends to the Governor in Council that Standing Committees of officials and non-officials for the districts in the Damodar basin be consituted in accordance with the terms of the resolution of the 3rd July, 1906."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 17.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that the grade pay of the typists of the Bengal Secretariat be raised from its present scale to a uniform grade of Rs. 40—5—100, with effect from the 1st April, 1918.

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Mr. Donald.

He said :—

"My Lord, the history of the typists of the Secretariat may be briefly stated as follows :—

There are only two grades of typists at present, namely, (1) Rs. 30—2—50 and (2) Rs. 50—2—70 ; so it takes a person entering on Rs. 30 ten full years to get up to the Rs. 50 grade, *i.e.*, a living wage. The posts in the other grade are very limited and it falls to the lot of a fortunate few only to obtain Rs. 50—2—70 just after completing their Rs. 30—2—50. Moreover, the typists are not allowed. on any account, to participate in the general clerical line in which the pay and prospects are handsome. The routine clerks in the general line are in receipt of a pay ranging from Rs. 40 to Rs. 100 from which they can rise up to the higher grades of the ministerial service, if they can show their capacity. The routine clerk is generally one who writes up registers, records and despatches papers. A typist of average merit can and should effectively perform these duties. Still, as regards pay and prospects, the typists have not unfortunately been placed on the same footing as that of the routine clerks. The starting pay of a typist is very poor. It should be raised to Rs. 40 and if a progressive pay of Rs. 40—5—100 were given in place of the existing ones, namely, Rs. 30—2—50 and Rs. 50—2—70, it would be only in the fitness of things. Owing to the increased cost of living Rs. 100 in these days in 12 years is not too much to aspire to.

My Lord, with these words I commend this resolution for the favourable consideration of Your Excellency's Council."

The Hon'ble MR. DONALD said :—

"My Lord, the question raised in the resolution of the Hon'ble Member has already been under the consideration of Government in connection with a memorial which was submitted by the typists in the Secretariat. The present rates of pay which have been given by the Hon'ble Member have now been in force for a considerable period, but Government recognize that they are not adequate at the present time and have already come to a decision that they should be improved. We agree with the Hon'ble Member that Rs. 40 should be the minimum wage. This is the minimum wage for a clerk in the Lower Division and we consider that a typist should be remunerated at not less than this figure. We further see no reason in having two grades of typists since all do the same work and except from the point of view of capacity it is impossible to differentiate between them. So long as they conform to the prescribed tests they should all be treated alike and there is no point in making a distinction in the rate of pay. This arrangement will remove the difficulty to which the Hon'ble Member has referred that only a few in the lower grade are fortunate enough to secure promotion to the upper grade after they reach the maximum of the lower grade. But we are not prepared to go to the length suggested by the Hon'ble Member as regards increments and the maximum rate of pay. Under the Hon'ble Member's proposal a typist would reach his maximum in a comparatively short period and for the rest of his service would be on the same rate of pay. This is not desirable. Whatever increments should be allowed should be spread over a longer period, so that the officer may have some addition of salary to look forward to throughout the greater part of his service. The maximum proposed by the Hon'ble Member is also too high for this class of officer. The work is, as the Hon'ble Member admits, routine work but it is of a more routine character than that performed by men in the higher grades of the Lower Division. The typists cannot be really compared with the Lower Division generally. They are merely copyists, pure and simple ; they are not of the Stenographer class. The higher grades in the Lower Division have more important duties than of writing up registers and records ; they have

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Rai Mahendra Chandra Mitra Bahadur; President; Mr. H. R. A. Irwin.

important reference work to do. Considering the character of their work Government are of opinion that Rs. 80 is a sufficiently high maximum salary for the typist class. They have, therefore, decided to fix the pay of all typists at the uniform rate of Rs. 40—2—80. This is a very substantial improvement on the old scale, and it gives an adequate initial wage—a continuous increment throughout the most of the officer's service and a higher maximum wage to which all can attain. In view of this decision the Hon'ble Member will probably not desire to press his resolution.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I accept the suggestions made by the Hon'ble Mr. Donald."

The PRESIDENT said :—

"Does the Hon'ble Member wish to withdraw his motion ?"

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"Yes, My Lord."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 18.

The Hon'ble MR. H. R. A. IRWIN moved the following resolution :—

This Council recommends to the Governor in Council that the Scheme for the Improvement of Roads in the Duars, which was in 1913 approved by Government after many conferences and much negotiation, be steadily continued until completion; instead of being stopped or interrupted after the expenditure of 20 lakhs, as has been announced by officers of Government.

He said :—

"Your Excellency may perhaps be aware that I represent the Tea Industry of Bengal and it is on behalf of the Planters of the fertile district of the Duars that I now appeal to you.

I think it may not be amiss to give a very brief review of the history of the Duars, which is probably unknown to many members of this Council, possibly even to Your Excellency.

The district lies at the foot of the Himalayas, to the south of and contiguous to the Bhootan boundary and, though adjacent to the main line of the Eastern Bengal Railway to Darjeeling, is just off the beaten track and very few travellers to the hills think of the great industry, which is making such rapid progress close alongside their route.

It is intersected by many large rivers, which drain the slopes of the Himalayas and has a very heavy rainfall, amounting in some parts to well over 200 inches—consequently traffic is very much restricted and congested for want of good roads and bridges.

It has only of late years been incorporated in the Indian Empire, having been taken over from Bhootan in 1863.

It measures approximately 100 miles east and west, along the foot of the hills, and 30 north and south from the Bhootan boundary.

Less than 40 years ago it was nothing but a howling waste of forest and jungle, the home of wild elephants and tigers, yielding no revenue and hardly supporting a single human being.

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Mr. H. R. A. Irwin.

To-day there are no less than 130 Tea Estates, comprising over 110,000 acres in cultivation, yielding approximately, 75,000,000 lbs. of tea; there are numerous Bazars and a railway with 153 miles of line open for traffic.

It is no exaggeration to say that the district, the sole industry of which is tea, is the means of supporting and giving sustenance to approximately a quarter of a million souls.

The tea industry is the sole *raison d'etre* of the railway.

I do not think I shall be contradicted when I say that but for the tea industry of the Duars, the Hardinge Bridge, which ranks amongst the big bridges of the world, would not yet have been constructed.

Prior to the war there were over 300 Europeans on the Tea Estates of the Duars but many have joined His Maiesty's forces in some capacity or another and are assisting to win the terrible war which still devastates the world and some have laid down their lives nobly in the cause of liberty and right.

I say without fear of contradiction that the Duars, which though comparatively small in point of area, is, taking into consideration the capital and interests involved, probably the most important of the country districts of Bengal to-day.

It is impossible for me to say what the total revenue contributed directly and indirectly to Government, amounts to; I fancy if I were to hazard a guess, Hon'ble Members might accuse me of exaggeration and I will, therefore, confine myself to known facts—one figure I can give definitely on the basis of 40 per cent. of the crop from the district, which the Food Controller requires for the United Kingdom, we get the large (previous to the war I should have said, huge) sum of £1,500,000 which the produce of this small district contributes directly, by way of duty alone, to the revenue of the United Kingdom: this sum is certainly underestimated, as there is no doubt, that much more than 40 per cent. of the crop does find its way there, but the figure I give is definite and cannot be contradicted.

In other words, this one item alone, contributed through the Duars, suffices to run the war for Great Britain for five or six hours, if other parts of the Empire contributed in like proportion, His Majesty's Ministers would have little difficulty in finding funds.

I fear I weary you My Lord, and I apologize to the Council for inflicting myself upon it twice in the same meeting, but the near approach of the Budget and the consequent risk of the matter being overlooked, makes it imperative to the interests I represent, that I should trespass on your time and I crave the patience of Your Excellency and the Council, whilst I appeal for assistance in a matter so seriously affecting such an important district and community, in this Province.

In spite of the importance of this district, which I think I may claim to have clearly demonstrated, it is only within the last few years and after many conferences and much correspondence that the question of roads and the communications has seriously occupied the attention of the authorities! the only thoroughfares were what could only be called, jungle tracks; roads, in the true sense of the word, did not exist.

However, in 1912, Your Excellency's predecessor, Lord Carmichael, personally visited the Duars to see the state of affairs for himself.

It was not the best season of the year at which to form a correct opinion of the awful condition into which these jungle tracks develop! the climate and country of the Duars in the cold weather is almost perfect! in the height

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Mr. H. R. A. Irwin.

of the rains, it is—well—the reverse! none but those who have seen it for themselves can imagine the state *kutcha* roads get into after weeks of heavy rain and heavy traffic! to transport goods, through the awful mud and slush which prevail, is nothing less than cruelty to man and beast! and yet for want of metalled roads it has to be done.

Be that as it may, His Excellency saw sufficient to impress upon him the absolute necessity for taking immediate steps to ameliorate the existing state of affairs, and he gave instructions for a conference to be held at Jalpaiguri, at which a scheme should be drawn up for properly constructed, metalled roads with a network of feeder roads.

This conference was duly held and presided over by—

The Hon'ble Mr. B. K. Finnimore, Secretary to the Government of Bengal, Public Works Department, and attended by—

The Commissioner, Rajshahi Division;
The Deputy Commissioner, Jalpaiguri;
The Superintending Engineer, Northern Circle;
The Executive Engineer, Jalpaiguri;
The Chairman, Duars Planters' Association;
The Vice-Chairman, District Boards; and
Maulvi Masharraf Hussain.

After much deliberation and discussion it was decided to recommend two main roads, east and west and north and south throughout the length and breadth of the district, to be constructed by Government, and feeder roads, to be constructed by the district Board, with the aid of grants from Government, it being argued that without an efficient system of feeder roads, the main trunk roads would be of little use.

The Deputy Commissioner undertook, in conjunction with the Duars Association, to draw up a scheme for the feeder roads most necessary in connection with the newly proposed scheme.

Eventually a scheme, for the two main roads, as previously stated, aggregating 114 miles, five major feeder roads, aggregating 84 miles, and six minor feeder roads, aggregating 42 miles, was submitted to Government.

Commenting on this at the Council Meeting of 4th April, 1913, the Hon'ble Mr. P. C. Lyon said: 'An admirable scheme for the purpose has been drawn up by the local officers in communication with the District Board' and further said: 'We have every hope that with the combined resources of the Public Works Department and the District Board it will prove possible to carry the whole scheme through eventually.'

The two schemes, viz.. the main roads to be constructed by the Public Works Department and the feeder roads by the District Board, with Government assistance, were estimated to cost 24½ lakhs and 10 lakhs, resectively.

In forwarding these estimates to the Secretary, Duars Association, the Deputy Commissioner, Jalpaiguri, wrote on February 13th, 1914:—

'After full consideration of the proposals Government have decided to carry out as much of the programme as possible but it has not been found possible to allot the whole amount required for carrying out the full programme. It is probable that a sum of 20 lakhs will be found during the next four years for this purpose.'

In November, 1913, Government by notification in the *Calcutta Gazette*, dated November 15th, sanctioned the formation of a new temporary Public Works Division to be designated the Duars Road Division, with headquarters at Jalpaiguri.

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Mr. Aminur Rahman.

Replying to the Hon'ble Mr. Chaplin at the Council Meeting of 13th March, 1914, with reference to the estimate of 34½ lakhs, the Hon'ble Mr. Finnimore stated that 'the scheme had been carefully considered by Government' and 'it is not possible *during the next four years*, to provide more than 20 lakhs for these roads.'

Again, at the Meeting of 3rd April, 1914, Sir William Duke said:—'The programme to be adopted by the Public Works Department will closely follow the programme of local requirement—we may not be able to provide all that is required, but Government expect to be able to provide the greater part *in the next few years* and the work will, I hope, proceed rapidly.'

To be brief, My Lord, the four years referred to by Government officers, are now drawing to a close and the work has been steadily progressing in the meanwhile.

Though, principally owing to unforeseen circumstances, such as enhanced cost of tools, materials, etc., due to the war, as much work as was hoped for, has not been completed for the money spent, still we tender our grateful thanks to Government for what has been done.

I think, My Lord, from the comments on the scheme, by various responsible Government officers, which I have quoted, we were justified in inferring that Government would continue to carry out the full programme, after the 20 lakhs, first allotted, had been spent and the four years had elapsed.

Now lately, however, we have learnt with great dismay, almost I may say, consternation, that the work is to be closed down abruptly, even if only temporarily, at the close of the current financial year and the lately formed Public Works Division with the staff, contractors, tools, machinery, etc., is to be disbanded and dispersed.

It is against this decision, My Lord, I now beg most earnestly to appeal.

We do not expect under present war conditions, that the annual grants will be on the same scale as heretofore, but we do earnestly trust that the work will be steadily, if more slowly, continued, and that the whole scheme for improving the means of communication in this important district, will not be stultified through partially constructed roads being left in a blind state and not linked up in one concrete whole.

In conclusion, My Lord, I respectfully urge that provision may be made in the coming Budget for the steady continuance of this scheme and if orders have been issued for the dispersement of the Public Works Division, that they may be countermanded before it is too late, so that money may not be wasted in having to collect the component parts together again."

The Hon'ble MR. AMINUR RAHMAN said:—

"My Lord, when we are talking of the Duars Roads Improvement Scheme, it may seem to some to be a matter of purely local interest, and I fear it will not rouse much enthusiasm in the Hon'ble Members who are not directly interested in it. But when we realize that with it is bound up the future of the tea industry which is a matter of Imperial concern and in which an enormous amount of British and Indian capital has been invested, which employs hundreds of thousands of men and directly or indirectly affects a large number of business concerns in this country and in England, we can justly claim to have raised a question which deserves the sympathetic attention of Hon'ble Members and officials in this House. We must gratefully acknowledge the help given by the Government in the shape of a grant of 20 lakhs. That alone shows that the Government appreciated the magnitude and seriousness of the question. The war has upset all our calculations and it would be the height of folly to embarass the Government by pressing for

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Mr. Cumming.

further grants if at the same time we could not prove beyond doubt that it would be unwise to adopt a policy of retrenchment in this direction.

No one can foresee what the condition of the tea trade will be during the continuance of the war and immediately after. So far we have been able to tide over the extreme difficulties through the generous support of the British Government who have made arrangements to buy Indian tea in India. But the cost of production and transportation is an essential factor in the condition of the trade. Bad communication, the want of a bridge where it is necessary, bad roads leading to the railway stations, all these mean greater expenditure on both production and transportation. Although we have just managed to escape a disaster on account of the steps Government have taken to buy tea, we still view the future with great misgivings and alarm. I am certain Government is not in a position to make any predictions in our favour We have, therefore, to exert every means to put ourselves in such an advantageous position, so that in case there is a sudden depression in the trade we can just manage to live. We are already making great sacrifices ourselves in order to keep the trade going. The price of machinery and stores has increased to an unprecedented extent. On account of occasional depressions in the trade and bad state of finance the condition of labour is far from satisfactory. The want of a sufficient quantity of rolling stock has made our position insecure. In such circumstances, I am sure we can justly demand that the Government should make some sacrifice to give us some relief in our distressed condition. For the Government also it would be a wiser policy to continue the work. Mr. Travers, the Chairman of the Duars Planters' Association—a man whose patriotism and high sense of public duty has been a source of strength and inspiration to us all during these trying times—said only the other day in his address to the Duars Planters: 'Gentlemen, your Committee and your members' I am quoting Mr. Travers—'your Committee and your members are supremely grateful to Government for what it has already done for our roads. Had the grants not been forthcoming, the industry must have stood still instead of advancing as it has done. But we would respectfully draw the attention of Government to the fact that important roads bearing a large and increasing traffic are still mere *kutcha* tracks. We do not ask' says Mr. Travers—'we do not ask under the present war conditions for a continuance of the grants at the rate at which they have been allotted in recent years. But we do appeal for a continuance of the Duars Road Division with smaller grants to steadily proceed with improvement. The Division is in working order now. Let it once be closed and the staff, contractors, tools and organization be disseminated and only at very large expense can reorganization take place.' The opinion of such a high authority on this subject deserves the respectful consideration of every Hon'ble Member of this House. If it is the intention of the Government to carry on and complete the work of improving the Duars roads, and I believe they have given an undertaking to this effect, then they would be well-advised to proceed with the work howevor slowly, and gradually build up a system of roads that will help the planters as well as the Government. And I say this advisedly. The Duars roads have a military significance. You cannot ignore the possibilities of a good system of communication in your frontiers. I should urge the Government to accept this resolution."

The Hon'ble MR. CUMMING said :—

"Sir, I regret that it is not possible for Government to accept the Resolution in its resent form, but I trust that after the statement which I propose to place before the Council, regarding the attitude of Government in the matter of the four years' programme which the Hon'ble Mover has sketched, Hon'ble Members may see that this conclusion has considerable justification.

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Mr. Cumming.

The Hon'ble Mr. Irwin has given us an interesting account of the Western Duars, its development within recent years and its contribution towards the funds of the British Empire. It is true that Government have a great interest in their property in the Western Duars which came under their control about half a century ago and that the annual production of tea in this area is twice the total of the Darjeeling district. It is also true that 20 years ago there was not a single metalled road in the whole district, and that the whole country-side is devoid of old established communications and is, moreover, subject to heavy rainfall. Nevertheless, any amelioration of the communications in the Duars must have reference to the finances of the whole Province.

At the outset, I desire to point out that the sum of 20 lakhs for the improvement of the Duars roads was fixed for purely financial reasons. A four years' programme at an estimate of over 2 crores of rupees was initiated in 1913, for the purpose of bringing up to the proper standard the equipment of the whole Province, principally in buildings and communications. Under the sub-head of roads, demands for all the districts were tabulated and the total demand for communications in the whole Province came to 43 lakhs. In view of the total amount of money which at that time, before the outbreak of war, it was contemplated it would be possible to allocate to the whole provincial scheme, it was decided that 28 lakhs might be made available to meet the demand of 43 lakhs for roads throughout the whole Province for a period of four years. Now, the share of the Public Works portion of the Duars Road Scheme in that total of 28 lakhs was only 15¾ lakhs. I should explain at this stage what the Duars Road Scheme was. As explained by the Hon'ble Mover, Lord Carmichael, in November 1912, in reply to the addresses presented at Jalpaiguri, advised the District Board and the Planting Community to draw up a scheme for the improvement of communication by road within the district as a whole. After much discussion with the local officers and the representatives of the District Board and the Duars Planters' Association, two comprehensive schemes were drawn up for the improvement of roads in the Duars, one known as the 19 road scheme to which the Hon'ble Member has referred at a cost of 24½ lakhs for roads which were to be constructed and improved by the Public Works Department and a separate one of 10½ lakhs towards the programme of work to be carried out by the District Board. The District Board at one time contemplated borrowing 4 lakhs and it was proposed that Government should give a contribution to the District Board of 6 lakhs; and so if this sum be included the total outlay of public funds which was proposed would have been nearly 31 lakhs of rupees. Towards the end of 1913 the Government considered that no more than the 15¾ lakhs to which I have already alluded could be spared for the Duars Road Scheme. Later, however, as the resources of the Board had been increased by the surrender of the Public Works Cess, Government, in January 1914, decided, instead of giving a grant to the District Board, to carry out as much of the Public Works Department programme as was possible from provincial funds; and it was thought probable at that time that a sum of 20 lakhs could be found in the next 4 years from 1914 to 1918 for the scheme. That is the origin of the sum was 20 lakhs to which the Hon'ble Mover has referred. It was further decided that some parts of the programme should either be eliminated or postponed until after 1917-18 when it might be possible to find funds for the extra work. The Public Works scheme of road improvement at a cost of 24½ lakhs had been cut down to one of 16¾ lakhs; but the additional 3¼ lakhs representing the difference between that sum and the 20 lakhs were given to the Public Works Department scheme instead of to the District Board scheme.

This decision to contribute 20 lakhs in four years was made before the outbreak of war; and Government would have been perfectly justified on the outbreak of war in reconsidering the decision. Indeed, the Jalpaiguri

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Mr. Cumming.

District have been extremely fortunate that, notwithstanding the outbreak of the war, so much has been spent in this part of the Province for carrying out a programme which was contemplated before the war; for in so many other directions, Public Works expenditure contemplated before the war has been ruthlessly cut down. The Hon'ble Mr. Aminur Rahman has given utterance to this. The Planting Community have not been unmindful of the fact. In December 1917 the Duars Planters' Association said that they were most grateful for the generous grant of 20 lakhs which had been and was being made towards the improvement of communications, and they recognized that Government in a very difficult financial period had done very much for the Duars.

The attitude of Government in this matter has been made clear to the Council by Mr. Lyon in 1913 and by my predecessor in a speech made before this Council in the month of April 1916. In 1913, Mr. Lyon made the remarks which the Hon'ble Mr. Irwin has already quoted; 'that Government had every hope that with the combined resources of the Public Works Department and the District Board it would be possible to carry out the whole scheme eventually.' Mr. Beatson Bell, in 1916, stated that the programme for the construction of 19 roads was one which Government always hoped to carry out; that the roads which had been constructed at that time were costing much more than was contemplated; and that, although the programme for the 19 roads had been formulated, it had never been promised that these 19 roads should be constructed regardless of cost The view of the Financial Department has been that, when the four years programme had been finished, there would be another stock taking; but that Department could not guarantee to finance the works which might then remain to be completed.

Now, towards the end of 1917, the Duars Association pressed both the local officers and Government for the completion of the whole of the original scheme. But it was decided last year that for financial reasons Government could not commit themselves to an expenditure beyond the 20 lakhs. In accordance with this decision. construction will now continue till March 1919; it is not the case that construction will simply continue till the end of the current financial year, as the Hon'ble Member apparently understands; but in view of the disabilities affecting the finances of this Province, it is not at present possible to say what amount of money can be spared for further construction during 1919 and the following years. In January 1918 the Association represented that the work should be continued as some of the important connected links are still awaiting. The Government appreciate the fact that even by 1919 the original scheme will still be incomplete. As regards the roads in the Public Works programme, interior communications have now been practically completed in four out of the five subdivisions into which the Duars. from the point of view of tea industry are divided. For the future, there remain the completion of the interior communications in the fifth sub-district and the construction of trunk lines of communication with the district headquarters.

On one point, however, I am able to reassure the Hon'ble Member and the Duars Planters' Association that any misgiving which they may feel that roads already constructed will not be maintained, is without foundation. The roads already constructed will certainly be maintained. I understand, however, that the real apprehension of the Association is that the Construction Division which is already in existence for the work in hand may be disbanded; and the wish is expressed that even if the progress be slow and small the organization which has been constituted for the construction of roads should not be abandoned. On this point I regret I can give no definite assurance.

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Mr. Irwin; Babu Akhil Chandra Datta; Babu Kishori Mohan Chaudhuri; Babu Bhabendra Chandra Roy.

In view of the statement which I have made and of the fact that the amount of money which can be further allotted to this scheme, must be considered with reference to the claims of the province as a whole, I trust that the Hon'ble Member will see his way to withdraw this resolution. As it is, the Public Works project has received 3½ lakhs more than what was originally contemplated, and the whole of the 20 lakhs is being debited to Revenue and not included in the Loans Budget."

The Hon'ble MR. IRWIN said :—

"My Lord, as I understand from the Hon'ble Mr. Cumming that the work will be continued till March 1919, I beg leave to withdraw this resolution. I would bring the matter up again a year hence if necessary."

The motion was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 19.

The Hon'ble BABU AKHIL CHANDRA DATTA moved the following resolution :—

This Council recommends to the Governor in Council that all persons who have been interned, or who may hereafter be interned, under the operation of the Defence of India (Criminal Law Amendment) Act, 1915, be domiciled in places free from malaria and insanitary conditions.

He said :—

"My Lord, the grievances of those who have been interned are well known and on the present occasion it will not serve any useful purpose to repeat the old story. I wish only to say this that whatever may have been the circumstances which have led to the internment of these young men and quite apart from the question whether they have been rightly or wrongly interned, they are certainly entitled to such treatment as political prisoners all over the civilized world receive. With these few words I commend the resolution to the acceptance of Your Lordship's Council."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I support the motion. It is but fair that when a person is taken charge of attention should be given to his sanitary needs. We have no objection to a person being watched over and detained in custody but his sanitary need should not be ignored in any way, as we see that the worst criminals in the jails are given proper attention by the Civil Surgeon. I think that as the request is a very fair one it will be accepted by the Council."

The Hon'ble BABU BHABENDRA CHANDRA ROY said :—

"My Lord, it would be a great pity if the present resolution has to encounter official opposition. Time and again, we have sought to bring to the notice of Government the deplorable state in which a very large proportion of the *détenus* in Bengal are believed to live their life of exile. I am not aware that in our attempts in this direction we have sometimes made ourselves odious to Government and provoked the anger of mighty officials. I hope it will not be contended on behalf of Government in reply to this Resolution that there are no known instances in which *détenus* have suffered from malaria or from other diseases due to the general incondition of particular localities. We know as a fact that a very large number have been domiciled in desolate or unhealthy surroundings, and that they have been petitioning the authorities for being removed to better places. Some time back I asked

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for information relating to the complaints made by *détenus* on such grounds and was told in reply that the officers were too busy to bother themselves with compilation of the information asked for. I have every respect for our officials, but I positively refuse to allow them to be the judge of the utility or importance of any information sought by non-official members. Though my question was not considered important enough for a reply, an attempt was made on a later occasion to cut the ground away from under our feet, by reading out extracts from a letter purporting to show how grievances were carefully manufactured by some people. The very fact that it came into the hands of some responsible officers was thought sufficient to dispense with the necessity of proving the genuineness of the letter. But, I think, even if the letter be genuine, it can at best represent the eager solicitude, perhaps of a friend whose grief has got the better of his wits, to help an unfortunate internee with what he considers to be very clever suggestions for making his lot less hard to bear. Much capital was sought to be made of this letter, though it cannot in any event establish that most of the complaints are fabricated.

"My Lord, an individual internee may be a revolutionary of the darkest hue; but it is one of the noblest traditions of British justice to accord humane treatment even to a convicted assassin. It is enough that you have deprived several hundreds of our fellow-subjects of their liberty without trial by any court of law. It is enough that you have not taken the public into your confidence in the matter. It is enough that you have not permitted us to form into visiting committees and satisfy ourselves as to how they are being treated. But if Government expect the people to take everything on trust, I am afraid they are making an over-draft on the public confidence.

"My Lord, the authors of Bengal Regulation III of 1818, in their large-heartedness were anxious to ensure the health and creature-comforts of the political prisoners, and made provision for periodical reports regarding these matters. But the Defence of India Act, and the rules framed thereunder, are remarkable for the absence of any such humane provisions. If our present-day legislators have failed to act up to the noble standard of their predecessors, even in the matter of repressive legislation, may it not be expected that those responsible for administering the later laws will supply the omission? The answer to this will depend upon the fate of the present resolution."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, my attitude towards this resolution is not influenced by any disagreement with the object which the Hon'ble Mover has in view or by any want of sympathy with his aim. My criticisms are rather in respect of its wording, the acceptance of which might appear to commit Government to action which, practically, may not always be possible. It is unfortunately the case that malaria prevails in many parts of this Presidency; it is unfortunately the case that the majority of villages in this Presidency would scarcely answer the requirements of a strict sanitarian. In arranging for the residence of those detained we can only take the province as we find it. It is perfectly impossible, for instance, to guarantee that the *détenus* during the period of their detention shall be immune from the risk of malaria. An obvious contingency is that they might have been infected even before their detention. Nor is it practicable to guarantee that they shall live under sanitary conditions differing from those prevailing in the province as a whole, or from those in which they were living previous to their detention. Within these limitations, Government has not the slighest desire that these men should live in malarious localities or in insanitary conditions. Their wish is directly to the contrary. The healthiness of the localities in which these people are to be detained is one of the conditions to be borne in mind when

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these villages are originally chosen, and, therefore, with the object of the Resolution we have no disagreement. If the Hon'ble Member agrees to recommend that '*endeavour be made as far as possible* to domicile all persons who have been interned or who may hereafter be interned under the operation of the Defence of India (Criminal Law Amendment) Act, 1915, in places free from malaria and insanitary conditions.' I have not the slightest objection to accepting the Resolution. It merely represents what we are already doing and what we are anxious to continue doing."

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"My Lord, I accept the suggestion made by the Hon'ble Sir Henry Wheeler, and beg to move the resolution in the following amended form, namely :—

'This Council recommends to the Governor in Council that endeavour be made, as far as possible, to domicile all persons who have been interned, or who may hereafter be interned, under the operation of the Defence of India (Criminal Law Amendment) Act, 1915, in places free from malaria and insanitary conditions.'"

The motion was put in the amended form and agreed to.

LIST OF BUSINESS—ITEM No. 20.

The Hon'ble BABU AKHIL CHANDRA DATTA moved the following Resolution :—

This Council recommends to the Governor in Council that the amount of Rs. 489-13-3, being the costs incurred by Government in the defence of the suit brought by Babu Lalit Chandra Dass against Mr. Burton, Superintendent of Police, in the Munsif's Court at Balurghat, be recovered from the said Mr. Burton.

He said :—

"My Lord the facts of this case are well known.

'Far from Jupiter, far from thunder,' is an old saying the truth and wisdom of which none will dispute. Babu Lalit Chandra Das apparently forgot this and had the temerity to take settlement of a plot of land adjoining the compound of a police-station in the district of Dinajpur. He put up a barbed-wire fence separating his plot from the thana to protect his crops from the cattle and horses of the thana officers. Six months after Mr. Burton chanced one night to cross the land on an elephant, forced open his passage, and the next morning ordered his policemen to destory the entire fence which they did on the allegation that the public had a right-of-way over the land. Lalit Babu, of course, could not fight the Superintendent and being helpless sent a wire to the District Magistrate and the Divisional Commissioner, but without any response. They have hardly any control now-a-days over the police. His only cause was to seek redress in a law Court. But where is the Magistrate in this country who would give him relief as against a Superintendent of Police? He, therefore, brought a suit for damages in the Civil Court against Mr. Burton. Justice was, however, vindicated in the Court of the Munsiff who found that the action of Mr. Burton was most unjustifiable and decreed the suit. Mr. Burton appealed. Mr. Garlic, District Judge, held that Mr. Burton had no right to break a passage through the fence and confirmed the decree of the Munsiff.

The suit was contested by Mr. Burton. But who financed him? We are told that in the lower Court the Government Pleader conducted the defence at the cost of the Government and that the cost incurred by

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Government in the defence of the suit has amounted to Rs. 480-13-3. The amount is undoubtedly a very very paltry one, but the question is, why should, as a matter of principle, the rate-payers be made to bear this burden?

"The public or the Police may or may not have had a right-of-way over the land, but quite apart from this question, could Mr. Burton forcibly re-open the passage which had admittedly been obstructed six months before and which had remained closed for six months? Could he take advantage of his position as Superintendent of Police and to employ an elephant and the policemen to force open the passage? Could he in any case, destroy the entire fence in view of the fact that the land undisputedly belonged to Lalit Babu? Divested of his official position, would he and could he have done so as against a powerful neighbour able to fight Mr. Burton and to maintain his rights and if he had done so, would it not be said that he had taken the law into his own hands? If, instead of Mr. Burton, another neighbour of Lalit Babu had committed such *zuburdistism*, and if Lalit Babu had complained to Mr. Burton, would not this very Mr. Burton send him up as the leader of a riot? If it was an offence on the part of a private citizen, how much more so is it for one in a responsible position whose duty is to protect people from oppressive neighbours? The law-keeper should not be the law-breaker. There was no manner of justification, My Lord. for what was done by Mr. Burton. It was a gross abuse of his power as Superintendent of Police.

The subsequent conduct of Mr. Burton made his case still worse. Lalit Babu's brother Satis Babu was a Sub-Inspector of Police under Mr. Burton. After the institution of the damage suit, Mr Burton had the graciousness to suspend Satish and thereafter reported him for his dismissal although in the meantime he had been transferred to some other district and had, therefore, no jurisdiction over Satish."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, I rise to a point of order. The question of the suspension of a sub-inspector is entirely irrelevant to the subject of the resolution. As a matter of fact a question on the point has been put to-day, and an answer has been given that the subsequent suspension of the sub-inspector had no connection with this matter."

The PRESIDENT said :—

"I do not quite understand the relevancy of the Hon'ble Member's argument. If, as Sir Henry Wheeler has stated, an answer has been given to the effect that the two cases are not connected it is obvious that the Hon'ble Member's argument is not relevant."

The Hon'ble BABU AKHIL CHANDRA DATTA continuing said :—

"I bow to Your Excellency's decision. I pass over this passage according to Your Excellency's ruling. Mr. Burton. according to the law of the land, committed an offence against the public and under the law and practice of this country he ought to have been prosecuted at the cost of the Government, and the Government pleader should have been engaged to conduct the prosecution. At all events the Government should not have conducted the defence at their cost. This view it appears has been latterly accepted by the Government, for as soon as it was found by the Munsiff that Mr. Burton's action was not justifiable, the Government refused to finance the litigation and asked him to defend himself as best as he could in the Appellate Court. That being the position accepted by the Government it follows as a matter of course that the cost incurred in the Lower Court should be recovered from

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him. Why should the people pay the penalty for his indiscretion and rashness. It is not a question, My Lord, of amount, but a question of principle—a question of the right of the people—a question as to the relation between the public and the public servants."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, I would first of all invite the attention of the Council to the fact that we are being invited by this resolution to go back upon action taken by our predecessors, and I may say at once that we should be very unwilling to do so unless it can be shown that our predecessors were entirely misled in their appreciation of the case and that the conduct of Mr. Burton, who is the officer involved, had been of a character far otherwise than that which they had understood it to be. Contrary to the inference which might be drawn from this sudden recrudescence of questions and the present resolution, the incident in issue occurred on the 17th February, 1915. The Munsiff's judgment was delivered on the 29th January, 1917 (and it is only the costs in the Lower Court with which we are, concerned), while that of the District Judge was given on the 17th December, 1917. Our rules do not contemplate the subsequent recovery from an officer of the cost of litigation which Government has once agreed to meet, and such a course would only be justified in a very exceptional case of the kind which I have indicated. The question of the incidence of the cost of the proceedings before the Munsiff was decided in 1915, in the time of Lord Carmichael's Government, and after taking legal opinion.

The judgment of the Appellate Court in this case is already in the hands of the Hon'ble Members and the facts of the matter are, therefore, known to them. I will, therefore, only emphasize a few aspects of the case very briefly.

'Mr. Burton had been Superintendent of Police, Dinajpur, from February 1913 to November 1915. He had four times inspected the Porsha thana and had once spent Christmas there. He was, therefore, well acquainted with the locality. The dispute which led to the litigation was as to the existence of a right-of-way over certain land adjacent to the thana and affording access to it. It was not a new dispute. The tract is alleged to have been obstructed in 1913 when the obstruction was removed by the officer in charge of the thana. The fence was said to have been re-erected in September 1914, the police again taking exception to this proceeding, and on arriving at the thana after dark on the 17th February, 1915, Mr. Burton found the elephant on which he was riding obstructed by this fence. His case was that he gave instructions for a passage-way to be re-opened next morning, and that this was done. The extent to which the fence was actually destroyed and the manner of its destruction, were in dispute. On the basis of the action so taken the owner of the land (Babu Lalit Chandra Das) sued Mr. Burton for damages which were awarded by the Munsiff to the extent of Rs. 45. On appeal this order was upheld.'

The main issue with which we are concerned is whether Mr. Burton was acting *bonâ fide* in the assertion of what he reasonably believed to be a public right in which the means of access to one of his thanas was involved, and in which, therefore, he, as head of the district police, was legitimately interested. It is only fair to him to mention that his information was that the real owner of the land was one of his own sub-inspectors, and the learned Judge found that 'there are certainly grounds for suspecting' that this was the case, though he held that there was no evidence beyond certain suspicious circumstances. He accordingly gave the point against Mr. Burton. However, such a suspicion would not unreasonably have intensified Mr. Burton's wish that the public should not be sufferers by the closure of the right-of-way.

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As to the existence of a road over this land the Appellate Court recorded a clear opinion that the Munsiff was wrong in doubting whether any path ever existed. It was further held that Mr. Burton took that route on the 17th February because he had been that way before, and after observing that 'the learned Munsiff has believed the plaintiff's witnesses and disbelieved the defence witnesses on all points on very insufficient grounds in my opinion,' the learned Judge remarked: 'I have no hestitation in accepting the defence evidence that a cart track across the plaintiff's land did exist and was in constant use up to September 1914.'

Therefore we have it that a path existed and that Mr. Burton knew of its existence. Mr. Burton, as, Superintendent of Police, was entitled to look to the interests of his thanas and of the public in resorting to them, especially if he suspected that the action of one of his subordinates had endangered these interests, and I can see no reason to doubt that on this ground he took a step in good faith which he thought was justified. He has been cast in damages because 20 years' user of the path was not proved in Court. It is only right, however, to point out that the Appellate Court noted that it thought: 'that it is highly probable that it (the path) has been in existence so long,' and it apprehended that the owner of an easement had the right to abate a wrongful obstruction of it if he was prepared to prove that the easement existed.

Finally, as to the alleged damages done, the learned Judge finds that the amount was undoubtedly exaggerated in order to defeat the plea of justification. He upheld the Munsiff's estimate of Rs. 45 as possibly not too large, but he added: 'though if the fence had been re-erected at once the defendants estimate of Rs. 5 would probably have been nearer the mark.'

What it comes to, therefore, is that an officer of Government took action to assert a right-of-way in which he was interested, not personally, but by reason of his position as a Government servant; it is questionable whether in so doing he did any serious damages, and he was undoubtedly endeavouring to reopen a path which had existed. He failed in the suit because he could not prove the existence of the path for 20 years despite the high probability of this being correct. In all these circumstances I submit that our predecessors were justified in considering that Mr. Burton's conduct had been *bonâ fide* and in promising to meet the cost of the resulting litigation. From that decision we think it would be improper to resile, and I cannot, therefore, commend the resolution to the Council."

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"My Lord, it is said that the Superintendent of Police was justified by a *bonâ fide* belief that there was a right-of-way over the land. In answer, I have got to say this: that the question of *bonâ fides* cannot arise in view of the fact that the entire fence, according to the finding of the District Judge was destroyed and, which, according to the District Judge, was not less than 50 feet in length. There might have been a way, but it does not follow that the owner could not put a fence over his land. The utmost that the Superintendent could do, if he had a *bonâ fide* right-of-way, he could only force open the fence which was necessary for his passage and not the entire fence. That is one thing, and there is another fact which would show that he could not have proceeded in this manner. It is admitted that the fence had been put up six months before the occurrence. For six months the alleged passage had been blocked up and if that is so, it is only an elementary criminal law that all those, who claimed the right, could not take the law into their own hands—and forcibly remove the fence. Here, the person concerned happens to be the Superintendent of Police; but if he acted in a matter like this in any special capacity, the law does not give any special right to any Government

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servant as regards this question of right-of-way. Therefore, if it was an offence on the part of a private citizen, it was equally an offence on the part of the Superintendent of Police. It has been stated that he was not interested in the matter personally, but he was interested in it as a Superintendent of Police. Your Excellency will excuse me if I put it in another way; it is not so much a question of interest as it is a question of prestige—a question of vanity and love of power. Of course, the Government rules do not contemplate the refund of such amounts, but I do not think that if it is held by this Council that the Government is entitled to a refund of this amount, there are any rules framed by the Government which can override the decision of this Council."

A division was then taken with the following result:—

Ayes 12.	*Noes 24.*
The Hon'ble Dr. Nilratan Sarkar.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
Rai Radha Charan Pal Bahadur.	" Sir Satyendra Prasanna Sinha, KT.
Maulvi Abul Kasem.	" Mr. J. G. Cumming, C.S.I., C.I.E.
Maulvi A. K. Fazl-ul Haq.	" Mr. C. J. Stevenson-Moore, C.V.O.
Khan Sahib Aman Ali.	" Mr. J. H. Kerr, C.S.I., C.I.E.
Babu Bhabendra Chandra Ray.	" Mr. J. Donald, C.I.E.
Babu Akhil Chandra Datta.	" Mr. L. S. S. O'Malley.
Rai Mahendra Chandra Mitra Bahadur.	" Mr. F. A. A. Cowley.
Babu Surendra Nath Ray.	" Lt.-Col. W. J. Buchanan, C.I.E., I.M.S.
Babu Mahendra Nath Ray, C.I.E.	" Mr. C. H. Bompas.
Babu Kishori Mohan Chaudhuri.	" Mr. W. C. Wordsworth.
Babu Ambika Charan Mazumdar.	" Mr. C. F. Payne.
	" Mr. E. B. H. Panton.
	" Rai Priya Nath Mukharji Bahadur, I.S.O.
	" Sir Rajendra Nath Mookerjee, K.C.I.E.
	" Mr. J. Mackenzie
	" Mr. W. H. H. Arden-Wood, C.I.E.
	" Mr. Aminur Rahman.
	" Rev. Dr. G. Howells.
	" Kumar Shib Shekhareswar Ray.
	" Rai Debender Chunder Ghose Bahadur.
	" Mr. E. B. Eden
	" Mr. E. A. Martin.
	" Mr. H. R. A. Irwin.

The following members abstained from voting:—

The Hon'ble Babu Brojendra Kishor Ray Chaudhuri.
" Mr. Arun Chandra Singha.
" Mr. Altaf Ali.

The following members were absent:—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
" the Nawab Bahadur of Murshidabad, K.C.S.I., K.C.V.O.
" Raja Hrishikesh Laha, C.I.E.
" Mr. R. Glen.
" Mr. Provash Chunder Mitter.
" The Maharajadhiraja Bahadur of Burdwan, K.C.S.I., K.C.I.E., I.O.M.
" Dr. Deba Prosad Sarbadhikari, C.I.E.
" Mr. F. W. Carter, C.I.E.
" Dr. Abdulla-al-Mamun Suhrawardy.
" Mr. M. Ashraf Ali, Khan Chaudhuri.
" Rai Sri Nath Ray Bahadur.
" Mr. K. B. Dutt.

The Ayes being 12, and the Noes 24, the motion was lost.

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Babu Akhil Chandra Datta ; Mr. Martin.

LIST OF BUSINESS—ITEM No. 21.

The Hon'ble BABU AKHIL CHANDRA DATTA moved the following resolution :—

This Council recommends to the Governor in Council that steps be taken to regulate the prices of food-stuffs, charcoal, cloth, salt, sugar and other necessaries of life.

He said :—

"My Lord, this question affects the vital interests of the vast population of this Presidency and the importance of the matter cannot be too much emphasized ; but at the same time I do not feel myself called upon to make out a case in support of my resolution inasmuch as the principle advocated in this resolution has already been accepted by the Supreme Government in a notification which has been issued since I have sent notice of this resolution. If I still press this resolution I do so because I feel that here in Bengal the matter has not yet been taken up with that enthusiasm and earnestness which it deserves. I implore Your Lordship to take immediate steps with that vigour with which the Bombay Government is fighting this problem. With these few words I commend this resolution to Your Excellency's acceptance."

The Hon'ble MR. MARTIN said :—

"My Lord, I must oppose this resolution, although on the face of it such a resolution may commend itself to many people as being amply justified by the present course of events and what has recently happened. The Hon'ble Mover does not ask definitely for Government control over the prices of food-stuffs and so on but it practically amounts to that. With all respect to him I do not think he realizes what he is asking for and the difficulties which lie in the way of control of this nature. It seems to me that control to be efficient ought to be thorough and to be thorough in control over the prices of these articles one will have to control them at the source of supply, to control them during their transport to this country and to control them during delivery and distribution in this country. I think, therefore, that the Hon'ble Member will realize that such control is beyond the province of this Government. It is true that the Government of India have notified that they may take steps to control the price of salt, but in my opinion no case has been made out for such control and I do not think it is necessary. The shortage of supply in this province and particularly in the district to which the Hon'ble Member belongs led to a temporary rise in prices. This led to considerable excitement and unfortunate occurrences in parts of the district. I have, however, studied the matter very carefully and I cannot see any justification for that excitement nor the unfortunate events that sprang from it. The cost of salt to a fairly large sized family amounts to an extra expenditure of a few annas on salt sufficient to keep them supplied for weeks. Now the price of salt in the districts was abnormal for the space of about a month, so that there was no real hardship imposed upon the people in these districts nor do I think that Government control was thereby rendered necessary.

The question of sugar is very much the same the temporary shortage of supplies causing a natural rise in price. Supplies are now coming into the country and I understand that communication with Java is likely to be freer and better with the supply of tonnage ; and the shortage is not likely to be of long duration.

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In the case of cloth undoubtedly great hardship has been caused from which we are all suffering. The rise was certainly not due to profiteering which is the only reason which can call for Government control in this connection. The price of cloth which is sold in Bengal to-day is very much less than the price at which it can be imported. I would point out that the control of the price of cloth would mean control in no less than three continents—that is control over the price of cotton in America, control over production in England and control over distribution in India. I think the Hon'ble Member will realize that control by this Government in such circumstances will be a practical impossibility. I hope, My Lord, that what I have said will convince the Hon'ble Member that this resolution is perhaps a little too hasty under the circumstances and that he will not press it."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I beg to support the resolution and in supporting it I voice forth the sentiments and ideas of my countrymen—wherever I go, whether to a hamlet; town or city there is complaint everywhere that the prices are abnormally high and it is high time, in my humble opinion, that the Government should interfere. I am the last person to urge that there should be a restraint in the trade or that the legislature should be compelled to intervene, but at such times it is necessary that Government should interfere. Yesterday I read a press notice showing the action taken by the Bombay Government. Consequently I am encouraged by this to ask Your Excellency and Your Excellency's Government to move in the matter. It has been represented that there ought not to be any Controller, but the question is how could the Government interfere? A remedial measure ought to be taken. You cannot understand sitting in Calcutta what things are going on in the mufassal. The people in the mufassal are not in a position to meet their needs and in the difficulties in which we are placed if there be any remedial measure it ought to be taken up."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I am also of opinion that some remedial measure ought to be adopted. It is no doubt a question of supply, but at the same time we have to consider whether the middlemen and other dealers are making undue profit and whether any measure cannot be adopted which will lessen the abnormal prices. In the mufassal our experience is that in some places more than double the prices have been realized of what prevailed about two or three years ago. My idea is, of course, to start co-operative stores, but then only the members will be benefited thereby. If larger relief is to be provided for in every district, at least at headquarters station of the district and the subdivisional headquarters, some shops may be opened under the direct supervision of the district officer or settlement officer with the co-operation of the leading men who could import and sell the things at cost price. It is an admitted fact that the people are suffering much from the high prices and our impression is that it is not merely due to the limited supply but to something else—probably as I have suggested it is due to the undue profit that is being made by the middlemen. Some enquiry may be made as to the cause and if some arrangement could be made by which the people could be supplied with the ordinary necessaries of life at lesser cost that at any rate ought to be done. So I think that Government interference is necessary, as without Government these things cannot be done. If, with the Government credit at the back and the supervision of the district officer and the subdivisional officer, some shops be opened where things can be sold at cost price or with a little profit much relief can be given to the suffering people. The present unrest is due to the abnormal rise in prices and it is high time that Government should take some steps."

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The Hon'ble SIR HENRY WHEELER said :—

"The Hon'ble Member's resolution has raised a subject in which we are all much interested at the present time and with which the happiness of the province is very much bound up; and although I shall have to oppose the adoption of this resolution, I am not sorry that I have had this opportunity of laying certain considerations in regard to it before the Council, as the matter is one in which we may well seek to bring about clear thinking by all classes of the community, while any advice and help that we can enlist in dealing with an admitted difficulty are to be welcomed. But I agree with the Hon'ble Mr. Martin in thinking that the Hon'ble Mover can scarcely have appreciated the wide scope which his resolution really covers. As worded, it includes the regulation of the prices of food-stuffs, charcoal, cloth, salt, sugar and other necessaries of life, which interpreted widely, might really be taken to mean that this Government should take upon itself the task of regulating the whole bazar. I think, on consideration, that Hon'ble Members will admit that whatever their desire to attain the ideal of removing all discomfort, this is not a practical proposition. I would warn the Council against placing too implicit a trust in the efficacy of the blessed words 'regulation' and 'control'. The regulation and control of prices is a question which has been brought forward since the outbreak of war, and many experiments have been made, first in hostile countries and later, unfortunately, by ourselves and our allies, but everybody, who has touched, or has any knowledge of, the details of control, has realized the difficulties and pitfalls which surround it on every side, and sees the possibility of doing more harm than good by the adoption of well-intentioned measures which do not work out in practice in accordance with the idea with which they were undertaken. If, therefore, we can avoid the necessity of regulation and control, I say, even at the cost of some discomfort, that it would be for good, and we should only attempt such a course if forced to do so as a last necessity. No regulation or control can abolish the discomforts entailed by the war. The whole world is a sufferer from it; England is a sufferer from it, and from my own short personal experience of England during the war, I should say that in the United Kingdom at the present time a sovereign, for practical purposes, goes about as far as 10 shillings in the previous days of peace. To take, again, a country nearer East, I came across a letter only recently in the *Pioneer* which shows that Egypt is also in a like state. Merely to quote a short extract, it runs as follows :—

"The price of food-stuffs is steadily rising in this country and compared with the state of affairs in 1914 the increase is very considerable. Meat now stands at 100 per cent. above pre-war prices and 60 per cent above the price this time last year. Sugar—and this is a land of sugar production—has risen by 1[illegible] per cent. compared with its pre-war price, and 100 per cent. compared with that at the corresponding date last year; the same is the case with flour; eggs are treble their pre-war price, although this is a country of egg export and the local production has been considerably developed"

and so on.

This is unfortunately the experience of every country in the world. At the risk of troubling the Council with statistics, I would like to give some figures which have been compiled in the Statistical Department of Government and which point to certain interesting conclusions. Taking the range of wholesale prices adopted by the statistician, which includes over 40 leading articles in the wholesale market, and making a comparison between the rates prevailing at the end of December 1917, as compared with the pre-war level at the end of July 1914, the rise in wholesale prices has been 68 per cent. in Calcutta, 109 per cent. in Bombay, 94 per cent. in Karachi and 111 per cent. in Madras. That is not without interest as showing that Calcutta is fortunately rather better off than other Presidencies, a fact which has a bearing on the criticism that we have so far failed to adopt measures similar to those recently

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taken by the Bombay Government. It is also the case that the general level of wholesale prices in Calcutta has moved upwards less quickly than in other parts of India. Retail prices, taken in the same way, of certain articles of common consumption had risen in Calcutta in December 1917 (as compared with July 1914) by 21 per cent., in Bombay by 29, and in Karachi by 34. Up to the end of the third year of the war, that is, August 1917, the fluctuations in prices in these three places as compared with the pre-war level were about the same; but the prices rose at the end of December 1917 by 8 per cent. and 10 per cent. in Bombay and Karachi, respectively, as compared with 1 per cent., in Calcutta over the level of August 1917. That, probably, is the reason why special action has been found necessary in Bombay. The problem in that city is complicated by special factors, and Lord Willingdon has drawn attention to the enormous influx of people into Bombay since the outbreak of war, partly of labourers in military employ, partly of troops themselves, and partly of people from surrounding places affected by plague. All these factors make the Bombay problem somewhat peculiar to itself. We here have undoubtedly suffered, and suffered severely, with resulting hardship which is well known and undeniable, but we can derive some consolation from the fact that the situation is worse in other parts of India.

Coming to the particular articles which the resolution enumerates I would only touch briefly upon each. As regards the regulation of the price of food-stuffs, I think, the Hon'ble Member himself cannot really have appreciated the facts, because the wholesale prices of food-grains, according to the same statistics, are actually lower in Calcutta than at the outbreak of war by some 8 per cent. That being so no case can be made out for regulating the price of food-stuffs, and the poorer classes are at least in this respect deriving some benefits from an unusual situation. It is true that retail prices have risen, but not in a very marked degree. I will merely cite a few instances: Taking the pre-war retail prices as equal to 100, the figures at the end of December 1917 are for food-grains 109, cereals 110, pulses 107 and *ghee* 150; as regards *ghee*, recent legislation in this Council may have been partly accountable. Milk has risen by 12 per cent., but potatoes show a fall of 4 per cent.; so on the whole, the situation is not unfortunate from the point of the consumer.

The next articles mentioned in the resolution are charcoal and sugar. As regards the former, from such information as I have been able to obtain, I cannot find that there has been any marked fluctuation since last July and August. The sugar market undoubtedly shows an increase in rates, and we find that in Calcutta, the rise in wholesale prices was 88 per cent., in Bombay 70 per cent., in Karachi 106 per cent., and in Madras 67 per cent. The retail price in Calcutta rose by 82 per cent. Nevertheless, although the increase is heavy, without looking further into the circumstances of the sugar market, I should hesitate to embark upon a policy of regulation if the situation does not become worse than it now is.

The resolution covers also other necessaries of life, but I think the general remarks which I have made may suffice without going into further details. There remain the two items of salt and cloth.

Now as regards salt we all know that prices have been very high, and unfortunately they are higher in Calcutta than elsewhere. In comparison with the index number of 100 to which I have already referred the wholesale figures at the end of December 1917 were Calcutta 598, Bombay 221 and Karachi 279. Thus we have been at a considerable disadvantage in respect of salt, although prices have more recently fallen somewhat, but as the Council knows, the Government of India have already notified salt as an article for regulation, and we had hoped to have got out orders relating to its control before to-day. Delay has been caused by some objections raised by the Government of Bihar and Orissa, which is equally interested in the prices fixed, but I have asked them to send down some one at once in order

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that we may dispose of the matter, and I hope, therefore, that it will not be long before we issue orders.

Turning to cloth, this is unfortunately one of the most difficult and complicated items in the whole problem. It is undeniable that the price of cloth has risen very highly and, taking the rate of July 1914 as 100, the wholesale figure at the end of December 1917 was 261. I have here a sheaf of prices and quotations for various kinds of cloth, though I hesitate to weary the Council by giving them even by way of illustration. They all show generally that prices have gone up very largely as compared with the pre-war period. Here are one or two instances of different varieties :—

CALCUTTA MARKET PRICE.						MANCHESTER PRICE.		
April 1914.			February 1918.			January 1918.		
Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1	13	6	4	11	9	6	12	3
1	3	0	3	3	3	4	8	0
3	9	6	7	12	0	16	6	0
7	2	0	16	6	0	24	9	0

But the important point to remember about cloth is that the present price of cloth in the Calcutta market is from 30 to 40 per cent. less than the current Manchester price. That is to say, if you wanted to buy from Manchester at rates now prevailing in the Calcutta market you could not do so. To that extent, Calcutta is more fortunate than even England, and it disposes of the theory that the wholesale importers are profiteering to the detriment of the public on an unduly large scale. Profiteering may have been going on, and I do not deny that there may have been occasions for regulation, but this salient fact governs the whole position as regards cloth, and points to the conclusion that the difficulty is really one of supply. The cotton crop of the world has been short ; it has been short in America ; it has been short in Egypt and it has been short in India. The price of Mid-American cotton at Liverpool was *6d.* per lb. in 1911-12, while it is *23d.* at the present day ; that is an enormous increase in the price of raw material, and it is due to the dislocation caused by the war and to the fundamental difficulty of the shortage of cotton. There are other complications arising from the many varieties of cloth on the market which preclude the possibility of laying down one uniform price for cloth as such. It may be remembered that His Excellency the Viceroy said only recently in a speech on the 6th February : "The control of prices in the case of cloth is obviously one of much greater difficulty than in the case of salt, but we shall not shrink from any action which may be found, in consultation, with local Governments to be both practicable and desirable". We shall have to represent our difficulties in the proper quarters, and we have reason to believe that on the Bombay side, where the majority of the local mills are to be found, enquiries and consultations are already going on, but we recognize that this matter is one of very great difficulty and no amount of regulation can cure this fundamental lack of supplies.

I have now given the Council a certain amount of detail in the hope that the subject will be found of interest and the figures of some bearing. Apparently some Hon'ble Members think that this Government has been somewhat slow and slack in taking up this question. I think that view is scarcely fair. It is no official impropriety to say that the action which has been taken by the Govenment of India in respect of the regulation of prices was largely at the instance of His Excellency's Government, while we have been considering the question of cloth, and what we *can* do we *will* do. But we cannot embark—and I would not advise the Council to press us to embark—on a reckless policy of regulation, without quite seeing where we may be landed by doing so.

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Babu Akhil Chandra Datta; the President; Sir Henry Wheeler.

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"My Lord, I feel and I must in all frankness admit that the resolution as it stands is rather too wide, and that I should have confined it to cloth and salt. As regards these things there is no doubt that the question is a very very difficult one. At the same time, there is so much hardship felt in the province on account of the high prices of these two things, that we cannot but look up to the Government for some sort of relief in these two matters."

The PRESIDENT said :—

"Does the Hon'ble Member wish to withdraw his resolution?"

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"I may be permitted to move an amendment to this resolution confining it to cloth and salt and leaving out the others."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, As I have said, there is some difficulty about this. We have already taken action as regards salt. As regards cloth, I have already tried to show what our difficulties are and we cannot pledge ourselves that we shall undertake regulations."

The PRESIDENT said :—

"Perhaps, I may point out that if the Hon'ble Member wishes to confine his motion to salt and cloth, it has already been met, as far as salt goes, and the Hon'ble Member in charge has explained that we are taking action on it; so that the only question that remains is the question of cloth. The question of cloth is an extremely difficult one to deal with, but the Hon'ble Member in charge has said that we are considering the matter in order to see whether it is possible to do anything in the matter. Under these circumstances, is there any difference between us?"

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"My Lord, in view of the pledge given by the Hon'ble Member as regards salt and also in view of the fact that the question of cloth is being seriously considered by Government, I beg to withdraw my resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 22.

The following resolution which stood in the name of the Hon'ble Babu Akhil Chandra Datta, was by leave of the President, withdrawn.

This Council recommends to the Governor in Council—

(*a*) that steps be taken to put an end to speculative transactions in salt, and

(*b*) that in every centre of trade and commerce throughout the Presidency, facilities be offered to the public for the purchase of salt at duly notified prices.

LIST OF BUSINESS—ITEM No. 23.

The Hon'ble BABU AKHIL CHANDRA DATTA moved the following resolution :—

This Council recommends to the Governor in Council that the following words be deleted from section V of the Police Administration Report of 1916, namely, "A good deal of eloquence has lately been expended on the subject of increased expenditure on the Police."

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He said :—

"My Lord, the bulk of the discussion of the last year's Budget by the non-official members of this Council concentrated upon the subject of increased expenditure on the Police. In fact this was the burden of the song of almost all the representatives of the people. There was a tendency in some quarters to call the last year's Budget a War Budget, but the expenditure on Police rose by such leaps and bounds that I characterized it a *Police Budget.* The expression was no doubt resented by those who were responsible for the abnormal rise in the cost of Police Administration, but none the less there was quite a chorus of disapproval by those members who represent the people's interest in this Council. Our criticism was, however, more than the authorities by their habit and tradition could bear with good grace and the irritation and heart-burning found their manifestation in the observation which forms the subject-matter of the resolution which Your Excellency has so kindly permitted me to move.

Now the questions which I propose to discuss in moving this resolution are the following :—

(*i*) Does the observation to which this resolution takes exception refer to the discussion by non-official members of the Council in connection with the last Budget ?

(*ii*) If so, is the observation consistent with official *decorum* and etiquette ?

Is it proper ?

(*iii*) If not, should the sentence be deleted from the Administration Report ?

There can be no manner of doubt as regards the real objective of the criticism. Is it not an enigma which defies our powers of construction and interprepation ? This attack is not even a veiled one. He who runs may read it. The simple test is this—what is the impression which was irresistably produced in the mind of every member of this Council as he read the sentence ? This is a test which I hope will be acceptable to all the Hon'ble Members. One Hon'ble Member honestly felt that this was the clear and obvious meaning and accordingly asked the Government in the last meeting of the Council if it was not so. This gave the Government and through the Government the author of the report an opportunity to disavow the insinuation and to reassure those who interpreted it as a fling at the non-official members. But the reply which was vouchsafed was not only not reassuring but aggravated the situation. The suggestion made by my Hon'ble friend Mr. Ray was not repudiated. It was said that the remark was made by the author of the report on the basis of the published information available to him ; from whatever sources it may have been derived. Is it a point blank answer, my Lord, to a point blank question ? Are we a bit wiser by reason of the answer ? The outstanding result, however, is that the suggestion remains unrepudiated and non-traversal, as we all know, is tantamount to admission. We have been told that the unwritten rules governing the matter are those based on *etiquette* and *good feeling.* I am quite prepared to accept the unwritten rules which are now reduced to writing. The question, however, arises for your Lordship's consideration ; has the observation of the Administration Report not transgressed these rules ? Is it consistent with official *decorum* and etiquette for the Head of a Department to employ such language about discussions in Your Excellency's Council ? Under the regulations of this Council our speeches are addressed direct to Your Excellency. Can it be consistent with *decorum* for the Head of a Department to speak in such disrespectful languages of those speeches ? Is he not by reason of his appointment under the Government bound to speak more

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respectfully about speeches addressed to Your Excellency? Does he not owe it to his position as a public servant to be more respectful to the proceedings o he Council, presided over by Your Excellency?

We sometimes hear of impertinent remarks made by impertinent police officers against decision of Courts with which they feel dissatisfied. They, of course, do so in confidential reports. They would certainly be guilty of contempt of Court if they had the temerity to make such remarks in any published report. I do think, my Lord, that the language employed towards the members of the Council constitutes contempt of Council. So far as this matter is concerned, it does not make any difference whether the members attacked are official or non-official. Non-official as they are, they are none the less members of Your Excellency's Council and not members of the Council of the Inspector-General of Police.

The next question is whether such observations are calculated to promote good feeling. Possibly the author of the report thinks that not only Christianity requires a man to turn his right cheek when he receives a slap on his left, but *Vaishnavism* also inculcates the response to *brickbats* by pure love. According to this lofty ideal alone can it possibly be said that the sting of the remark will not cause irritation and bitterness.

My Lord, the remark of the Administration Report has infringed the rules laid down in the last meeting of the Council. The remark is undignified, un-Parliamentary, improper and *ultra vires* and should not be allowed to disfigure the Administration Report.

In conclusion, I shall only say this: Our protests against the large increase of Police expenditure were absolutely abortive. It would be only adding insult to injury to allow such criticism by Heads of Departments."

The Hon'ble BABU AMBICA CHARAN MAJUMDAR said :—

"My Lord, in rising to make a few observations on this regrettable incident I wish to be understood that I am not moved by any personal feeling or sentiment. I do not wish Your Excellency to defend us, but I only ask Your Excellency to defend the dignity of this Council and the position of the legislature. If Your Excellency and the galaxy of administrators sitting to your right could for more than two hours tolerate the inconsequential flow of eloquence at the last Budget debate, I do not think that it was the business of any police officer sitting in the quiet recess of the Secretariat to resent it. It is said that 'a good deal of eloquence was expended' over the increased allotment for the Police. Whether a good deal of eloquence was expended or a good deal of money was wasted on that day it was a matter which was closed with the passing of that Budget; and I do think that it was both indecorous and undiginified, if not actually impertinent, for any member of the administration to criticize the proceedings of the legislature and to treat that assembly as an unwholesome foreign body fit only to be ejected by vomiting forth such effusions as have characterized the Police Administration Report which has just been published. Such fulminations may appear in the columns of a newspaper, but I do think that they are singularly inappropriate in a solemn document like an Administration Report. A spirit like this ought to be discouraged. As for myself I can well console myself with the reflection that the higher one mounts the purer becomes the atmosphere, and although such unseemly observations may well appear in a Police Report, I think that they cannot find a place in the report of any higher branch of the administration."

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, I only rise to support the resolution moved by my Hon'ble friend Babu Akhil Chandra Datta and I do not think I need add anything to

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Babu Bhabendra Chandra Ray; Maulvi Fazl-ul Haq.

what has been said on this subject. I believe, my Lord, that all criticisms on questions of administrations which are addressed to Your Excellency are not only—whether they are accepted or not—welcome to Your Excellency, but also to the members of this Government; and I think it is unfair both to this Council and to the administration in general for any Head of a Department or any official to pass any critical remarks on the conduct of proceedings in this Council. With these few words I hope Your Excellency in Council will find your way to accept this resolution."

THE HON'BLE BABU BHABENDRA CHANDRA RAY said :—

"My Lord, when I discovered the passage in the Police Administration Report, I thought it must have been a case of oversight on the part of the higher authorities who, I presume, have to go through reports before they are published; and I expected that in reply to my question about this matter at the last meeting, Government would acknowledge this to be so. But to our surprise and regret, a desperate attempt was made to defend a thoroughly indefensible position by resorting to language of a delightful vagueness in which some of our official friends excel. It was all the same a clear—though hardly a straightforward—admission that the reference was to the proceedings of this Council.

My Lord, the passage referred to has been stated to be quite in conformity with etiquette and good-feeling. That this resolution has been brought forward to-day is ample proof that it is not considered in that light on this side of the House. It is considered by us to be a gratuitous insult to this Council.

The whole question is whether a subordinate official is at liberty to criticize in official reports the proceedings of this Council. I appeal to your Lordships' parliamentary experience to say what the result would be if, say, a permanent Under-Secretary had the hardihood to be humerous at the expense of the House of Commons. Would he be defended by the Ministry in the House or given the sack? We have heard a good deal about the dignity of the Legislative Council. When, for instance, a resolution or a question is not admitted without any reasons being assigned, and it finds its way into the Press, Hon'ble Members are roundly charged with having taken away from the dignity of the Legislative Council. I hope our official friends will demonstrate by their voting on this resolution that they really care for the dignity of the Council."

The Hon'ble MAULVI FAZL-UL HAQ said :—

"My Lord, I rise to support this resolution not merely because it raises an important question of principle but also because the answer that has been given by Government to some of the interpellations on this subject have, as has been pointed out by my Hon'ble friend Babu Akhil Chandra Datta, aggravated the situation by adding insult to injury. I think that it is time that we should bring matters to an issue and get from Government a clear and unmistakable statement as to the importance which they attach to the dignity and prestige of the non-official members in this Council. Personally my Lord, I do not care very much whether the importances that attaches to the membership of Council is higher than that of the membership of a debating club or the Pinjrapole Society at Sodpur. But I think it is time that the public whom we serve should know how very sorely we are tried, and how very futile are our efforts to get a proper recognition of those interests, the protection of which we consider to be our most sacred charge.

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My Lord, I had occasion to go through the answers that have been given to-day to the two questions on this very subject, one by the Hon'ble Babu Bhabendra Chandra Ray and the other by Babu Akhil Chandra Datta. I think it is necessary that I should draw the attention of the Council to the nature of the replies that have been given to these interpellations. My friend, the Hon'ble Babu Bhabendra Chandra Ray, who was the first to put a question on the subject tried to elicit the information whether, in making the remarks which the Inspector-General of Police did as regards the discussion on last year's Budget relating to police expenditure he had in his mind the speeches that had been made by the non-official members of this Council. The plainest course for the Government to follow, in my humble judgment, was to get a statement from the Inspector-General of Police one way or the other, and frankly tell us either in the affirmative or in the negative. Instead of doing that, I am extremely sorry that the official or officials who prepared the answer to the interpellation only tried to fence with the matter and wanted to evade the issue by giving us answers which really did not meet the points that had been raised. As an instance, my Lord, I will refer the Council to some of the answers which have been given to-day ; *e.g.*, Question V (Unstarred) put by the Hon'ble Babu Bhabendra Chandra Ray."

The President said :—

"Order, order. I must call the attention of the Hon'ble Member to rule 17 of the Question Rules which says that no discussions shall be permitted in respect of any question or any answer given to a question. I understand the Hon'ble Member seems to be showing a tendency to transgress that rule and I hope that in the subsequent remarks which he may make he will endeavour to refrain from doing so."

The Hon'ble MAULVI FAZL-UL-HUQ continuing said :—

"I must bow to your Excellency's decision. Although I have not the particular rule before me, I understand the rule to mean that as soon as an answer to an interpellation is given it is not open to a member of this Council to enter into a discussion with a member of the Government on the point. But I think that it is perfectly open to us, in speaking on a resolution, to refer to a reply given in this Council and discuss it from our points of view. The particular rule that has been read to me, I submit, does not preclude a discussion of the reply which has been given to an interpellation.

My Lord, the time at my disposal is short and it is really too late in the day to spend any further eloquence on the matter on which so many speakers have already spoken and on which articles have appeared in the public press. But, what I was going to submit for Your Excellency's consideration was the fact that instead of giving a plain and direct answer Government really tried to withhold the information which was sought simply for information's sake. I can assure Your Excellency that neither the Hon'ble Babu Bhabendra Chandra Ray nor Babu Akhil Chandra Datta wanted to transgress the rules of etiquette and good-feeling, and it was only fair to them that the information should have been given, but instead of that Government says to-day that the Inspector-General had before him not merely the discussions in Council but also the comments that appeared in the public press. I am extremely sorry, my Lord, that this answer should have been given by a member of the Government and especially by one whose mother-tongue itself is English. I submit that the eloquence to which reference has been made must be with reference to speeches and cannot refer to comments in the newspapers. I do not wish to enter into an elaborate discussion of what eloquence really means, but reading the Inspector-General's report, one is at once led to think that he must have referred to speeches and not to written comments. We really do not speak of eloquence as a

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written comment. Secondly, my Lord, the point was whether the referance had been made to the speeches of the members of this Council. Yes or no would have been quite sufficient and no explanatory words were called for. My Lord, I do not wish to say more on this point, because Your Excellency's ruling is that the replies given in this Council are not open to further comment. The reason why I think this remark should be expunged from the Police Report is extremely obvious. We are here to assist the Government, and while I think that it is extremely unfortunate that we should be compelled to discuss these matters publicly in this Council it is also our bounden duty to point out to Your Excellency that it is almost impossible for us to discharge our duties faithfully and conscientiously if we are haunted with the idea that the remarks which we make in this Council will be subject to criticism by Heads of Departments, criticisms which we cannot have any opportunity to answer. If the Inspector-General wanted any defender from the attacks that had been made on the policy of his department, I believe, there are several of that category in this very Council and it was certainly not his business in writing out the annual report of the department to take upon himself the functions which can properly be performed by the Hon'ble Member of this Council—I mean the official members.

Then, my Lord, quite apart from the fact we would be hampered in our duty if there are no restrictions to the limit to which our remarks could be criticized by Heads of Departments, I think I am right in saying that the public at large also feel that the powers and privileges, whatever they may be of non-official members of this Council. should not be subject to criticisms by the Heads of Departments. Indians as a rule are not very familiar with the Parliamentary procedure or with what happens in England, when Members of Parliament rise to criticize the Government and when those representing the Government give replies and defend the Provincial Government. Indians generally look upon ones power and privileges by the extent to which protection is given by Government to the exercise of those powers and privileges by particular persons, and if the public at large come to entertain the view that an Hon'ble Member of this Council is not immune from an attack by a Head of a Department, he will at once be led to think that whatever may be the honorific title which may attach to the names of the members of this Council they are, so far as prestige and honour is concerned, much below those who have to run the several departments of Government. I do not claim for a moment that a non-official member of this Council as a rule would like to get an assurance from Your Excellency that in point of official precedence or in other matters they are superior or inferior to Heads of Departments, and no non-official member is filled with any vanity on that point. But I wish to make this point clear that so far as the public at large is concerned, it is also the duty of Government to see that our prestige and whatever honour may attach to the membership of this Council may remain unimpaired. It is then and then only that we can be useful coadjutors and instead of being critics—and merciless critics—we could be of the greatest possible help not merely in giving information to Your Excellency but also interpreting the Government policy to the public. My Lord, I can well understand that it is very difficult at this stage to delete a sentence like that from a Government report, but the circumstances are also peculiar and although my friend the Hon'ble the Mover has not indicated how this course could be adopted, if Your Excellency accepts the resolution. I would respectfully suggest that the passage be deleted by a notification in the Gazette. With these few words I beg to support the resolutio n."

The Hon'ble SIR HENRY WHEELER said :—

"I feel some hesitation in detaining the Council at this hour with a lengthy speech on this subject, because I apprehend that if the answers that we have already given to various questions have failed to disabuse certain

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Babu Akhil Chandra Datta.

Hon'ble Members of the illusions under which they are labouring, nothing that I can add verbally is likely to have that result. I submit that the Hon'ble Members who have spoken to-day are seeing insults where they do not exist, and are defending themselves against attacks that are not made. It has been taken for granted that this remark was an attack upon the dignity of this Council. I deny that it is an attack upon anybody or upon the dignity of this Council in particular, and when we hear of 'the vomiting forth of violent fulminations' and 'direct attacks' and 'impertinent criticisms', I submit that Hon'ble Members are indulging in the language of hyperbole and exaggeration.

Now, let us take the full statement as it was made. It ran :—

'A good deal of eloquence has lately been expended on the subject of increased expenditure on the police, but if an efficient and contended police force is desired, it must be paid for. A high degree of efficiency can hardly be expected from an underpaid, undermanned and badly housed force, deficient both in clothing and equipment. A considerably larger expenditure will have to be faced before the urgent needs of the department can be satisfied'.

I maintain, Sir, that taking that remark as a whole, it is a reasonable comment by a responsible Head of a Department on a matter of great importance to his department; what he is pressing is that if efficiency is to be maintained, then, in his view, more money must be spent. That is an opinion which any man may well have formed on consideration of all the sources of information which, as has been said in one of our answers, were available to him—from his reading of the newspapers, his reading of the proceedings of this Council, his conversations with his acquaintances—and interpreting the sentence as conveying the impression left on the mind of the Inspector-General of Police as to the view of this matter which prevailed in certain quarters, I say it was not an unreasonable expression and that no attack need be inferred from its use. This Council ranges over a large field of subjects. Surely it is not to be contended that any remark made by an official in a report relative to an administrative question with which he is naturally concerned as the Head of the Department is to be taken as derogatory to the dignity of this Council, merely because some one in Council may have touched upon the same point. The Head of the Department may rightly have read and considered what was said in this Council with reference to the department of which he is in charge, but he has many other sources of information, and surely it is a somewhat exaggerated view of the bearings of our discussions on the minds of the public to assume that any comments made on administrative subjects are necessarily derived from, and with reference to, remarks which have been made here.

As regards the etymological argument that 'eloquence' must refer to something spoken, may I merely mention such frequently heard expressions as 'eloquent' articles, 'eloquent' newspaper writings, 'eloquent' descriptions and the like, are all common expressions in the English language.

It has already been said on behalf of the Inspector-General of Police in answer to a question to-day, that he had neither solely nor even mainly in his mind what had been said in this Council. The honour of the Council is necessarily dear to any member of Government, and so long as His Excellency occupies the position of President, he is not likely to allow it to be infringed. But we cannot agree to accepting a resolution which infers that one of our responsible Heads of Departments has committed an indiscretion, which he distinctly disclaims and for imagining the commission of which we can see no justification."

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"My Lord, as we apprehended the Hon'ble Sir Henry Wheeler has defended the Inspector-General of Police. He said that it was not an

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Mr. Akhil Chandra Datta.

attack; of course there is nothing innately perverse in our nature that we should see insult where there is really none and precisely for that reason a question was asked at the last meeting as to whether or not there was an insinuation. If a straightforward answer had been given at the last meeting then we would not possibly have brought forward this resolution in to-day's meeting. We have been compelled to bring forward this resolution as an inevitable result of the answer that was given at the last meeting. It has been said that we have indulged in hyperbole. And has not, My Lord, Sir Henry Wheeler expended so much eloquence needlessly in describing our position with respect to this matter? It is said that the Inspector-General has reasonable ground for saying so in his report. With your Lordship's permission I shall submit that when the observation was allowed to be made in the Administration Report there was committed only a sin of omission but now an additional sin of commission has been committed by upholding or justifying it. It is not only the non-official members but also the official members who should be keen about the honour of this Council; and your Lordship will excuse me for a bit of frankness—it may be the judgment of the official members of this Council may be somewhat unconsciously influenced by the consideration that he is more an official like the Inspector-General of Police than a member of this Council.

A division was taken with the following result :—

Ayes—17.

The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.
Dr. Nilratan Sarkar.
Kumar Shib Shekhareshwar Ray.
Babu Brojendra Kishor Ray Chaudhuri.
Mr. Arun Chandra Singha.
Rai Debender Chunder Ghose Bahadur.
Rai Radha Charan Pal Bahadur.
Maulvi Abul Kasem.
Maulvi A. K. Fazl-ul-Haq.
Khan Sahib Aman Ali.
Babu Bhabendra Chandra Ray.
Babu Akhil Chandra Datta.
Rai Mahendra Chandra Mitra Bahadur.
Babu Surendra Nath Ray.
,, Mahendra Nath Ray, C.I.E.
,, Kishori Mohan Chaudhuri.
,, Ambica Charan Mazumdar.

Noes—18.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
,, ,, ,, Satyendra Prasanna Sinha, KT.
,, ,, Mr. J. G. Cumming, C.S.I., C.I.E.
C. J. Stevenson-Moore, C.V.O.
J. H. Kerr, C.S.I., C.I.E.
J. Donald, C.I.E.
L. S. S. O'Malley.
F. A. A. Cowley.
Lt.-Colonel W. J. Buchanan, C.I.E., I.M.S.
Mr. C. H. Bompas.
,, W. C. Wordsworth.
,, C. F. Payne.
,, E. B. H. Panton.
Rai Priya Nath Mukharji Bahadur, I.S.O.
Mr. J. Mackenzie.
,, W. H. H. Arden-Wood, C.I.E.
,, E. A. Martin.
,, H. R. A. Irwin.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
,, ,, the Nawab Bahadur of Murshidabad, K.C.S.I., K.C.V.O.
,, ,, Mr. Aminur Rahman.
,, ,, Raja Hrishikesh Laha, C.I.E.
,, ,, Mr. R. Glen.
,, ,, Rev. Dr. G. Howells.
,, ,, Mr. Provash Chunder Mitter.
,, ,, the Maharajadhiraja Bahadur of Burdwan, K.C.S.I., K.C.I.E., I.O.M.
,, ,, Dr. Deba Prasad Sarbadhikari, C.I.E.
,, ,, Mr. F. W. Carter, C.I.E.
,, ,, E. R. Eden.
,, ,, Dr. Abdulla-al-Mamun Suhrawardy.
,, ,, Mr. M. Ashraf Ali Khan Chaudhuri.
,, ,, ,, Altaf Ali.
,, ,, Rai Sri Nath Ray Bahadur.
,, ,, Mr. K. B. Dutt.

The ayes being 17, and the Noes 18, the motion was lost.

Resolutions.

Babu Akhil Chandra Datta.

LIST OF BUSINESS—ITEM No. 24.

The Hon'ble BABU AKHIL CHANDRA DATTA moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a Committee consisting of the Hon'ble Sir S. P. Sinha, the Hon'ble Mr. J. G. Cumming, Sir Gurudas Banerjee, Sir K. G. Gupta and the Hon'ble Maulvi A. K. Faz-lul-Haq be formed to inquire into the case of the two women of Bankura both named Sindhubalas ;

(*b*) that the result of the said inquiry be published in the shape of a *communiqué ;* and

(*c*) that if the Committee find that the arrest of one or both of the two women was unjustifiable, suitable punishment be awarded to the officer or officers responsible for their arrest.

He said :—

"My Lord, we have been assured that the Defence of India Act is not an 'Oppression of India's Act for the prosecution of innocent young men'. We have been assured that the Act is administered with the utmost consideration and circumspection and that the personal liberty of His Majesty's subjects is never lightly interfered with. But the case of the two Sindhubalas and the Government *communiqué* published in yesterday's papers have made disclosures which we cannot contemplate with equanimity and have proved beyond doubt that all that glitters is not gold and that things are not what they are represented to be. Let us examine the Government version and see whether there was any justification for the arrest and detention of the two unfortunate women of Bankura. We are told that a slip of paper containing the name of one Sindhubala with her address was found among the papers of a member of the revolutionary party in Calcutta, and the Criminal Investigation Department, Calcutta, at once telegraphed orders to the Superintendent of Police, Bankura, to arrest her under the Defence of India Act. The Government *communiqué* says that the Criminal Investigation Department had *reasonable grounds* for regarding the original name found on the slip as suspicious. My Lord, such a view can only be based on the assumption that all relations, all friends, and all acquaintances of the members of the revolutionary movement are themselves revolutionaries. Not only this, even those who are known to them but to whom they are perfect strangers are also revolutionaries. Suppose a political suspect wants to communicate his grievances to the Secretary of the Indian Association and writes his name on an envelope ; then according to the *dictum* laid down in the *communiqué* it could be said that the discovery of the envelope would constitute *reasonable grounds* for suspecting that the Secretary of the Indian Association was a participant in the revolutionary movement. I shall not labour on this point. But I shall say this : We have always been told that the people are never suspected unless the Criminal Investigation Department have reasonable grounds for suspecting them. Am I then to understand that during the last three or four years many of my countrymen have been suspected on such reasonable grounds as have been disclosed in this Government *communiqué* ? It is now admitted that the order of the Criminal Investigation Department for the arrest of a Sindhubala was an error of judgment. But the two Sindhubalas in their inarticulate voice must have said to the Criminal Investigation Department : 'It may be an error to you, it may be play to you, but it has been something more serious to us'. Error of judgment—*honest* error of judgment—*honest* error made in coming to an *honest* judgment by an *honest* enquiry to get at the truth is certainly pardonable ; and I for one never quarrel with such errors. But error of judgment

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Babu Akhil Chandra Datta.

presupposes the exercise of some judgment. The question, therefore, arises—Was there any enquiry made by the Criminal Investigation Department before they came to this erroneous judgment? Did the Criminal Investigation Department take any evidence of any kind? Did they examine any witness? Did they make any enquiry of any description whatsoever? Was there anything before the Criminal Investigation Department except the mysterious communication made to them by that magical slip? There was not even so much as the statement of a police spy or informer. It is, therefore, a case where there was no judgment, erroneous or otherwise—it is, there fore, not a case of error of judgment. Judgment without enquiry is an achievement of which the Criminal Investigation Department may be proud, but I shall certainly say this that such procedure is repugnant to all ideas of justice and fair play. Our complaint, my Lord, is that the Criminal Investigation Department has been invested with extraordinary powers: our complaint is that they have exercised those powers without any sense of responsibility; our complaint is that many persons as innocent as the two Sindhubalas admittedly are have been arrested as recklessly as they were arrested; our complaint is that many innocent men and boys have been the victims of the over-zealous activities of the Criminal Investigation Department. We have been persistently and insistently inviting the attention of the Government to the inherent defects of the general policy regarding the administration of the Defence of India Act and to the outrageous injustice to which it has inevitably led in individual cases. But we have always been told in reply that we are abnormally suspicious; that our complaints are without any foundation. If I were permitted to speak out with absolute frankness I would say that we have all this time cried in the wilderness and failed to make any impression upon the robust optimism of the Government, that the Act is administered with the utmost care and scruple. But, my Lord, the case of the Sindhubalas and the facts admitted by the Government in connection with this case have conclusively demonstrated, if any demonstration were needed, that our complaints were not unfounded; that we were in the right and that the Government were in the wrong; that there is a screw loose somewhere in the machinery of internment and that there is something wrong somewhere in the affairs of the internment Department.

Why should it be supposed for one moment that the case of these unfortunate women is a isolated instance of the grievous wrong done by the Criminal Investigation Department? Who knows, my Lord, how many have been arrested and deprived of their personal liberty, under similar circumstances? This case is only a typical illustration of the gross abuse of power by the Criminal Investigation Department brought to light possibly owing to the fact that the victims happened to be women. It should at all events *now* be recognized that the strong views held by our distinguished countryman, Sir Rabindra Nath Tagore, on the subject of internment are not unwarranted by the manner in which the Defence of India Act is being administered in Bengal.

Why was the first Sindhubala arrested although she did not answer the description given in the warrant? It is said that the Superintendent surmized that the word *Kamanbia* Ghose in his order might be a mistake for Kunja Ghose and thinking that one Sindhubala, wife of Natobar Ghose, residing in that house might be the woman named in his instructions he arrested her. Now, the Superintendent's explanation is, to say the least, astounding and carries its own condemnation! On such a puerile surmize he most light-heartedly rushed into the sacred zenana where angels should have feared to tread. It is of course now admitted that the Superintendent arrested a wrong Sindhubala. The next question is why did he arrest the second Sindhubala when the order was to arrest only one woman? She also

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did not answer the description given in the order of the Superintendent even the name of the village did not tally. This Sindhubala was the wife of one Debendra Ghose. It is seriously stated in the Government *communiqué* that the Superintendent began to entertain doubts whether the words *Kamanbia* might not after all have been a mistake for Debendra and arrested her. My Lord, the first Sindhubala was arrested because the Superintendent thought Kamanbia might be a mistake for Kunja and the second Sindhubala was arrested because he thought Kamanbia might be a mistake for Debendra. It is of course now admitted that like the first Sindhubala the second Sindhubala is also as innocent as anybody present here. Verily, my Lord, we are fallen upon evil times when even our women are arrested on such pretexts as these. Was there the shadow of justification for arresting two women, one of whom the Superintendent knew was no more guilty than his ownself was? Would this abnormally overzealous Superintendent arrest a third woman if he had got scent of a third Sindhubala? Possibly he had drawn his inspiration from that interesting hero of Ramayan who was sent to the mountain of Gandhamadan to fetch the plant Bishalyakarani (বিশল্যকরণী) but unable to recognise the same carried the entire mountain over his shoulders. We should be thankful to him that the Bankura Superintendent did not arrest the entire female population of Bankura.

Let us, however, see what happened after the double outrage. We are told that the Superintendent despatched a telegram to the Criminal Investigation Department asking which Sindhubala should be detained or both. We are further told that this telegram was delivered at the Criminal Investigation Department office but it was subsequently mislaid and it was not put up before any officer. The result, of course, was that neither Sindhubala was released and both had to rot in the jail. Not receiving any reply to his telegram the Superintendent posted his report of the double arrest to the Criminal Investigation Department. Like the telegram this report also reached the Criminal Investigation Department office and like the telegram this report also failed to obtain any immediate attention of the Criminal Investigation Department. For we are told that according to the usual routine the report was marked by the Special Assistant to one of the Special Superintendents by name. The latter officer, however, left Calcutta on urgent duty on the 8th January and the report was not seen by him till the evening of the 11th idem on his return. So the poor Sindhubalas had to rot in the jail up to the 11th January. But the Special Superintendent returned to Calcutta on that day and let us see whether one or both of the Sindhubalas were released without further delay. We are really grateful to the special Superintendent for we are told that he *at once* called for the file and submitted it to the Deputy Inspector-General on the 12th January. Very well, let us see what prompt action is taken by the Deputy Inspector-General. Why, it is seriously stated in the communique that he *decided* to telegraph to Bankura for the arrest of Debendra Ghose, husband of second Sindhubala, against whom grave charges had in the meantime been brought by the police and deferred orders in respect of the two women until the receipt of an answer to his telegram. But alas, we are told that there was a misunderstanding about this telegram also and as a matter of fact it was not despatched. The Deputy Inspector-General was, however, under the impression that the telegram had been sent and postponed orders about the women several days, expecting an answer to the telegram which had never been sent. The women were no doubt spending their days in the jail but we cannot be too grateful to the Deputy Inspector-General, for the *communiqué* says in a tone of great self-complacency that after a week he *at once* came to the conclusion that the two women could not be detained any longer and on the 18th January recommended their release to the local Government and their release was *at once* directed.

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Babu Akhil Chandra Datta.

Such is the interesting history of the arrest of the women and their detention for 15 days in the jail as told in the Government *communique.* As I was reading it, my Lord, I was only wondering if it was and if it could be really the version of the Government. For I cannot conceive a greater indictment of the Criminal Investigation Department than this explanation itself. The most powerful and skilful advocate of Sindhubala could not possibly think of drawing up a more scathing impeachment of the Criminal Investigation Department. We are treated with the story of a series of blunders—a story of a series of sins of commission and omission committed in that mysterious Department popularly known as the Criminal Investigation Department. I do not know whether I should characterise this as a comedy or a tragedy of errors. If, however, the story is true, it only proves how inefficiently the Department is working. Is this, my Lord, the valuable service of the Criminal Investigation Department upon whom the most extravagant eulogy is so lavishly showered in season and out of season. There is one thing, my Lord, in the *communique* to which I feel bound to call Your Excellency's attention. It is said that the detention of the two Sindhubalas for a fortnight in the jail was due to a tissue of unfortunate but unintentional blunders. But is it not rather difficult to appreciate this explanation in view of the fact that throughout the whole of that fortnight the newspapers were crying hoarse over this unfortunate and outrageous incident? The indecent haste with which the order of arrest was *passed* and *executed* was however more than made up by the abnormal delay made in releasing them. It appears that "hurry up" is the watchword of the Criminal Investigation Department in the matter of arrest, whereas "put off the evil day" is their watchword in the matter of release. The raid on the Sindhubalas may be a feather in the cap of the Criminal Investigation Department but it may be the last straw on a camel's back. There is after all, my Lord, a limit even to oriental patience. People have tolerated indiscriminate arrests of men and boys. They will never do so in the case of their mothers and sisters. Has the Government considered for one moment the disastrous effect of the arrest of Sindhubalas upon the female population of the country in general and of Bankura in particular? One Sindhubala had a child in her arms. Will not that child imbibe an ill-will towards the Government with the milk from the mother's breast? There was a child in the womb of the other Sindhubala. Will not that child be born with a spoon in its mouth coated with anything but goodwill towards the Government which has persecuted its mother for nothing? In view, my Lord, of the far-reaching effects of such reckless arrests, it behoves Your Excellency to institute a careful and searching enquiry regarding the incident and award suitable punishment to all those who are responsible for it and who have thereby exposed the Government to such unsavoury criticism. Your Lordship should also order such steps to be taken as may make the recurrence of such an incident in future impossible. The short-sighted and bigoted policy of not washing the official dirty linen before the public will no longer do. It is an old and exploded shibboleth which must now be cast to the winds. Public opinion must now be reckoned with. It will not put up with such conduct on the part of the public servants. The time is gone when public servants used to lord it over, riding roughshod over the feelings of the people; the time has come when public servants must be servants of the public not merely in the sense that they receive their pay out of the taxes paid by the public, but in the sense that they exist only to serve the public. As Lord Morley (then Mr. Morley) wrote to Lord Minto:—

"That system (system of arbitrary rule) may have worked in its own way in old days, and in those days the people may have had no particular objection to arbitrary rule. But, as you have said to me scores of times, the

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Rai Debendra Chunder Ghose Bahadur.

old days are gone and the new times breathe a new spirit; and we cannot carry on upon the old maxims.'

My Lord, the people demand that a searching enquiry be made and suitable and deterrent punishment be meted out to all those who are responsible for the unjust and unnecessary harassment of the two women."

The Honb'le RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"My Lord, I would accept the facts as they have been accepted by this Government in the official *communique* in the newspapers of Calcutta yesterday, and I have no intention of criticising the statements which have been accepted by Your Excellency's Government. My Lord, we are gratified in observing the spirit which has animated Your Excellency's Government in issuing the *communique* which appeared in the Calcutta papers yesterday about the subject of my Hon'ble friend's motion. The Government have already met my hon'ble friend's demand more than half-way in this regrettable business. The Government it seems has very carefully considered all the facts of the case and have informed the public of their own view in the matter. It has said that the order for arrest sent from the seat of the Government to the Bankura Police Superintendent was wrong. But it has not said anything about any punishment for any officer high or low through whose carelessness and want of judgment the two village women of Bankura were arrested and kept in prison for about two weeks. The officers concerned have this much to be said in their favour that they have in the past been encouraged in these courses, that their predecessors in office have been doing the same, and that highhandedness is the tradition of the police, who are otherwise a most useful body of public servants. In the present instance the Press has served the country very well. But for their persistent references to this unhappy incident in this remote corner of Bengal, I doubt very much whether the detention in jail of these two supposed suspects would have terminated after two weeks. In this country interference with personal liberty is made generally in a light-hearted manner by the Executive, and judging from recent events, women here do not get the same amount of consideration in their hands as their sisters in England. Your Excellency no doubt remembers the incidents of the Cass case in London which took place some years ago. An innocent shop girl of that name had to leave her business place at a very late hour in the evening, and was passing by a street alone, when an over-zealous police constable arrested her and kept her in the lock-up for a few hours. It created such a sensation in England that I believe the Home Sectretary had to resign and make a scape-goat of himself. My Lord, I implore your government to caution the police in their pursuit of anarchical criminals amongst the women folk of the country. If they did that, they would be increasing the virus of anarchism, instead of lessening it. The present case is an illustration of the flimsy grounds upon which the police of the country proceed to deprive a person of his personal liberty, and of the ill effect, upon the feeling of the people, of their wild and injudicious proceedings. It is not necessary in the interests of good government to drag out a woman from her home because her husband or brother was a suspect and photographs of revolutionaries were found in her room. And whether you are prepared or not to mark your disapproval of the conduct of the officers concerned in the manner suggested by the words of the motion of my Hon'ble friend, you can do some reparation to the victims of your act, and the least you can do is to give adequate money compensation to the two injured women. This will not only soothe their feelings, but will have a very wholesome effect on the country—a thing more to be prized than the fetish of prestige."

Resolutions.

Babu Mahendra Nath Ray; Sir Henry Wheeler.

The Hon'ble BABU MAHENDRA NATH RAY said :—

"My Lord, with some hesitation but with a full sense of my responsibility as a representative member of Your Excellency's Council, I support the motion. It seems to me that the official *communiqué* does not conclude the matter. The thing which strikes me most is that the official *communiqué* discloses some principles upon which the Criminal Investigation Department work. I was trying to formulate them to the best of my power and without prejudice, and I find that one may say without being guilty of verbal or substantial inaccuracy that the principles upon which the Criminal Investigation Department act are (1) every person, man or woman, whose name appears on any paper belonging to a suspect, shall be arrested, (2) any body answering to the name may be arrested on suspicion without adequate enquiry as to his identity. If the Criminal Investigation Department act upon principles like these, it is high time that there should be a thorough and sifting enquiry into these cases; whether the particular form of enquiry suggested in the motion will be adequate or not is another matter.

The official *communiqué* says that in directing the arrest of the woman concerned the Calcutta authorities of the Criminal Investigation Department were guilty of committing an error of judgment. I accept that statement with great satisfaction, but it is necessary and it is due to the public that Government should say that the Criminal Investigation Department are not competent to arrest every person, a man or a woman, whose name appears on any paper belonging to a suspect, or that anybody answering to a name should not be arrested on suspicion without any adequate enquiry as to identity. All this of course is quite apart from the perfunctory act of the Superintendent of Police who arrested the two women answering to the name and who kept them under arrest or in jail for two weeks. That is a matter which Government is no doubt enquiring into and in regard to which Government will pass proper orders, but having regard to the reasons I have ventured to place before the House, I think it is a matter which is not concluded by the official *communiqué*. I have no doubt there is no member in this House who will subscribe to such principles formally and that it is high time that by way of expression of our disapproval of such supposed principles we should not stop here, but that we should request Government to have a thorough and sifting enquiry made into the matter by an independent authority who will not be influenced by the principles on which the Criminal Investigation Department obviously work."

The Hon'ble Sir HENRY WHEELER said :—

"My Lord, in dealing with this resolution, I propose to confine myself, as far as possible, to its terms and to the definite proposals made therein. These are three in number : *first*, that an enquiry be instituted by certain gentlemen ; *secondly*, that a *communique* be issued, and *thirdly*, that the officers held responsible be punished.

On behalf of Government I express our inability to accept that resolution on the following grounds : in the first place an enquiry has already been held, the facts have been elicited, and a full and frank statement has been laid before the public ; secondly, a *communique* has already issued, and finally, we propose to communicate to the officers concerned the expression of disapproval which is conveyed in the *communique*. To officers in their position it is no small punishment to be told publicly that they have committed an error of judgment. Apart from these points, I would only notice one criticism that has been made to-night of the supposed reckless and unjustifiable attitude of the police in assuming that there are reasonable grounds for suspicion against all relatives or connections of any man who is

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Babu Akhil Chandra Datta; The President.

regarded as connected with the revolutionary movement. In defence of the police there are several considerations which should be borne in mind in judging of what they did. It is the common experience of these investigations and arrests made in circumstances such as these of members of the revolutionary party that names and addresses are found among their papers (frequently in cypher) indicating the names of post-boxes, harbourers and sympathisers. This has been proved up to the hilt by actual experience. Again, in this particular instance enquiry showed that other names found in the batch of papers were of people of this character. Further, although the person concerned in this case was a woman, it has unfortunately been the experience that women are being utilised in this movement in these capacities. These facts are to be remembered in justification of what has been represented to night to have been an absolutely unjustifiable suspicion on the part of the police, but, as I have said, Government consider that an error of judgment was committed, and in informing the officers concerned to that effect, intend to prevent, as far as possible, the recurrence of such incidents in future by directing that orders concerning women should not be passed without a prior reference to Government. That being so, I submit that we have taken reasonable action, and that the further steps asked for in the resolution are not required."

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"My Lord, I do not like to add anything by way of reply, for I do not think there is anything that is necessary to be said. I would only say one word in answer to the Hon'be Sir Henry Wheeler. It appears to me to be a dangerous principle to lay down that whenever there are in any papers names found, experience has shown that there is a real ground for suspicion that these people are dangerous. A man may have relations, friends and acquaintances. Necessarily the names of those people may come in some papers and books, and merely because their names are found in any of the papers belonging to a member of the revolutionary party, should one come at once to the conclusion that they must be revolutionary conspirators and then order their arrest and say that there is reasonable ground for their arrest? I do not know whether I have done service or disservice by bringing up this resolution as the action of the Criminal Investigation Department seems now to receive the approbation of a responsible member of Government. It is a case of from the frying pan into the fire. I do not think that any justification in defence of the Criminal Investigation Department was admittedly necessary in a case like this. In view of the injustice done, a word of consolation might have been used; instead of that an attempt has been made to justify the procedure adopted by the Criminal Investigation Department, However I do not think that the reply of the Hon'ble Sir Henry Wheeler really merits any reply from me."

The PRESIDENT said :—

"Perhaps it will not be out of place if I say a few words to the Council. I rise to do so because I think that the Hon'ble Member who has just sat down has misinterpreted a remark which was made by the Hon'ble Sir Henry Wheeler. But before I touch on that particular point, let me say, on behalf of the Government, that we take no exception at all to the action which the Hon'ble Member has taken in moving this resolution, and so far as I myself am concerned, I take no exception to the tone or substance of his speech or of the speeches of other Hon'ble Members in connection with this matter. Undoubtedly it is the duty of Members of the Council to bring matters of public importance to the attention of the Government and to voice the views of the public with regard to them. So I say that we take

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The President.

no exception at all to the action which the Hon'ble Member has taken in bringing forward this resolution.

Now the Hon'ble Member has inferred from a remark by Sir Henry Wheeler that it was the practice in the Criminal Investigation Department to arrest without further enquiry any person whose name might appear upon any document found in the possession of a man either known to be or suspected to be a member of the revolutionary party. I don't think that that was a strictly accurate interpretation of what Sir Henry Wheeler said. Unless my memory plays me false, what Sir Henry Wheeler said was that the experience of the past had shown that when the names of persons were found in cypher among the papers of a man who had been shown to the satisfaction of the Government to be connected with the revolutionary movement,—experience in the past had shown that these persons were almost invariably sympathisers and aiders of the movement, not necessarily in a major degree but generally in a minor degree, sympathisers who provided what is known as post boxes for the correspondence of the members of the revolutionary party, or sympathisers in that they assisted the members of the revolutionary party to abscond. I feel that all Hon'ble Members who listened carefully to what Sir Henry Wheeler said will bear me out when I say that this is what he said and what he intended to suggest. I certainly did not understand him to say that it was the regular practice for the Criminal Investigation Department to arrest without enquiry any person whose names were found under any circumstance in any document discovered in the possession of suspected persons. It seems to me that it is very desirable that this point should be made clear. In connection with that all that I wish to say is this, that the Government have frankly admitted that in this case an error of judgment was made and that the Government regret that it should have been so. It must be obvious to everybody that it is far more to the interest of the Government than of anyone else that errors of judgment of this kind should not be committed. It is the Government that have to bear the responsibility for that. Hon'ble Members may rest assured that it was no mere empty words which Sir Henry Wheeler spoke when he said that orders had been issued which would, so far as possible, prevent in the future any similar error of judgment being committed, and he stated, I think specifically, that in any case in which the police had reasonable grounds in future for suspecting a lady, action should not be taken against her until the matter had been referred to Government. Hon'ble Members will understand, I hope, that it is our intention to guard, so far as it is possible, against any similar errors of judgment in future.

It may not perhaps be out of place if I remind Hon'ble Members in this connection that the task which has been laid upon the shoulders of the Government is a very heavy one and one which has never been of their own seeking, but it was a task which was forced upon them by outrages and by crimes. It sometimes seems to me that both in the press and on the platform, as a result of the natural desire on the part of the spokesmen of the public to see that these extraordinary powers which the Government are exercising are exercised as justly as possible, they do sometimes lose sight of all the horror and the misery that the public themselves have been saved from as a result of the action which the Government have been compelled to take. I venture to leave that for the consideration of the Council, that when they are considering these matters, let them understand that it is in the interest of the public themselves that the Government has taken this action, and that if it had not been taken, if these extraordinary powers had not been exercised by the Government during the past year or two, we should undoubtedly have seen a continuance and probably an increase of that horrible series of crimes and outrages which blackened the history of Bengal for a period of something like ten years.

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Babu Akhil Chandra Datta; Sir Henry Wheeler.

I hope that hon'ble members will not think that I have taken too much upon myself in making these observations. The matter under consideration is one for which I, as the head of the Government, must take full responsibility. So long as members of this Council are satisfied, as I trust they are, that the Government are at all times desirous of doing everything that lies in their power to prevent the miscarriage of justice and to prevent the infliction of hardships on innocent persons, so long I say as the members of this Council are satisfied that this is the position of Government, I am prepared to let the matter rest there."

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"In view of your Lordship's kind assurance, I beg leave to withdraw the Resolution."

The Resolution was then, by leave of the President, withdrawn.

The Hon'ble SIR HENRY WHEELER said :—

"Sir, as I do not wish that there should be any possibility of misunderstanding in connection with this incident, may I, with Your Excellency's permission, add one word. In my reference to the papers frequently found among the effects of members of the revolutionary party, I think I used the words 'in circumstances such as these.' I referred to the names frequently found jotted down on scraps of paper and in pocket books among the private papers of these men. Such names are sometimes in cypher and some times *en clair*. In this particular instance there were names in cypher, but the name of Sindhubala Dasi was *en clair*."

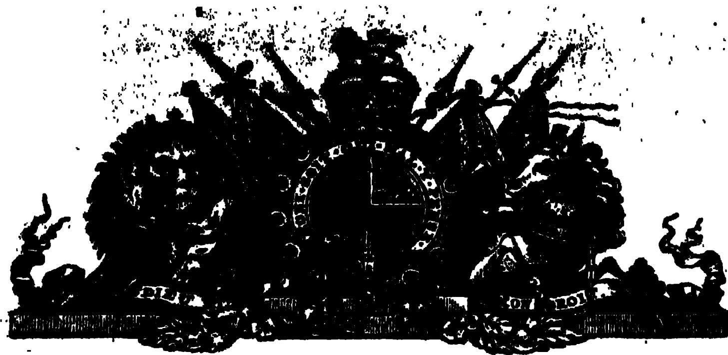
ADJOURNMENT.

The Council was then adjourned to Tuesday, the 5th March, 1918, at 11 A.M., at Government House, Calcutta.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA.
The 11th March, 1918.



The Calcutta Gazette

WEDNESDAY, MARCH 20, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Tuesday, the 5th March, 1918, at 11 A.M.

Present:

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I., *Vice-President, Presiding.*

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble LT.-COLONEL W. J. BUCHANAN, C.I.E., I.M.S.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble MR. J. MACKENZIE.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble REV. DR. G. HOWELLS.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI, C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E.

The Hon'ble MR. E. B. EDEN.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MASUMDAR.

Questions and Answers.

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTION.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

*1. Are the Government aware of the opinion that has been expressed that the girls' schools and zenana agencies are becoming unpopular on account of the treatment received by the teachers and respectable zenana ladies from the Officiating Inspectress of Schools? Girls' schools and zenana agencies.

Answer by the Hon'ble MR. O'MALLEY :—

"No."

UNSTARRED QUESTIONS.

(*The Answers to which were laid on the table.*)

By the Hon'ble MR. ALTAF ALI :—

I. (*a*) Are the Government aware that four rooms belonging to the Junior Madrassah at Rajshahi were taken over by the Principal of the Rajshahi College about four years ago, an assurance being given at the time that the rooms would be restored to the Madrassah after the completion of the Physics Laboratory? Rajshahi College and the Junior Madrassah.

(*b*) Is it a fact that after the completion of the laboratory another room in addition to the four was taken?

(*c*) Is it a fact that, as a result of this, some of the Madrassah classes are held in the Muhammadan college hostel which is outside the Madrassah building?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) The answer is in the negative. The building in question formerly belonged to a senior Madrassah, which was abolished in 1883. In 1884 it was decided to retain the junior classes of the Madrassah, on the condition that they were to be treated as a branch of the college and not as Madrassah classes, and to use the old Madrassah building partly for the college and partly as a hostel for the students attending the Madrassah classes Government at the same time made over Rs. 20,000, representing nearly two-thirds of the original cost of the building, to the Mohsin Fund, from which the major portion of its cost had been met.

The building consists of a central hall and 12 rooms, of which six have long been used and are still used for the Madrassah classes. The central hall was used as a lecture theatre and the other six rooms for the college science classes before the new physical laboratory was built. Since July 1914, when the laboratory was completed, the latter six rooms have continued to be used for college purposes, two for Arabic and Persian classes and the rest for tutorial classes and seminars for honours classes.

In 1909 the Lieutenant-Governor of Eastern Bengal and Assam, in reply to an address presented by the Rajshahi Muhammadan Association, gave an assurance that when the new laboratory was completed, the portion of the Madrassah building then used by the college would be given up for the Madrassah classes. It has not yet been possible to do this on account of the requirements of the college.

(*b*) No.

(*c*) No. One class has long been held in a building which was formerly used as the Madrassah hostel and is now used as a college Muhammadan hostel."

Questions and Answers.

By the Hon'ble MR. F. W. CARTER :—

European Lunatic Asylum at Ranchi.

II. (*a*) Will the Government be pleased to state when the Lunatic Asylum for Europeans, at Ranchi, is likely to be opened?

(*b*) Has it been arranged for the services of Major Peebles to be placed at the disposal of the Government of Bihar and Orissa to act as Superintendent of the Asylum?

(*c*) Has the necessary furniture and equipment been provided?

(*d*) In the event of the Ranchi Asylum being ready for occupation in the near future, are the Government considering the desirability of setting aside sufficient money in the forthcoming Budget for the re-building of the present Lunatic Asylum at Bhowanipore as an observation place for suspected lunacy?

Answer by the Hon'ble MR. DONALD :—

" (*a*) No exact date can be stated. It is expected that the institution will be opened early this month

(*b*) The services of Major Peebles were placed at the disposal of the Government of Bihar and Orissa on the 10th January, 1918.

(*c*) Major Peebles is at present engaged in furnishing and equipping the Asylum as a necessary preliminary to its being opened.

(*d*) Government have decided to convert the existing Asylum at Bhowanipore into an observation ward for mental cases A sum of rupees two lakhs has been provided for the purpose in the Provincial Civil Works estimates for 1918-19."

By the Hon'ble KHAN SAHIB AMAN ALI :—

Muhammadan students in Chittagong.

III (*a*) Are the Government aware that a considerable number of boarders from the Government Madrassah Hostel at Chittagong have been removed to the Victoria Moslem Hostel in that place?

(*b*) Is it a fact that as a result of the removal a considerable number of seats fell vacant in the former hostel, and that these were filled by Muhammadan students from the Training College?

(*c*) Will the Government be pleased to state why the Muhammadan students of the Madrassah College included in the new Madrassah scheme have not been given the vacant seats?

(*d*) Are the Government considering the desirability of inquiring from the Principal of the Moslem College as to the number of applications he has received from candidates in the Moslem College who desire seats in the Government Madrassah Hostel?

(*e*) Are the Government considering the desirability of removing the Training College students to the Victoria Islam Hostel, situated within a mile from the Training College?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Government are aware that pupils of the Government Moslem High School who were resident in the Madrassah Hostel were removed to the Victoria Moslem Hostel in order to make room for pupils of the Normal School.

(*b*) It is a fact that a number of seats became vacant. They were taken by pupils of the Normal School. There is no Training College at Chittagong, and it is presumed that the Hon'ble Member refers to the Normal School.

(*c*) The Hon'ble Member is referred to the reply to part (*a*) of the question

(*d*) No. It is presumed that by the Moslem College the Hon'ble Member means the Madrassah.

(*e*) No."

Questions and Answers.

By the Hon'ble KHAN SAHIB AMAN ALI :—

IV. (a) Are the Government aware of the number of scholarships which each District Board awards to the students studying in the Engineering, Medical, Agricultural, Weaving, Deaf and Dumb, Art, Veterinary and other Technical Schools and Colleges? Scholarship awards by District Boards to Technical Schools and Colleges.

(b) If so, will the Government be pleased to lay on the table a statement showing the number of scholarships awarded by each District Board to Muhammadan students in such schools and colleges?

Answer by the Hon'ble MR. O'MALLEY :—

"A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. IV (unstarred) asked by the Hon'ble* KHAN SAHIB AMAN ALI *at the Council meeting of the 5th March, 1918, showing the number of scholarships awarded by District Boards to Technical Schools and Colleges.*

District Board	Number of scholarships awarded in engineering, medical, agricultural, weaving, deaf and dumb, art, veterinary and other technical schools and colleges	Number of scholarships in column 2 awarded to Muhammadan students
Burdwan	2	Nil
Birbhum	6	1
Bankura	26	Nil
Midnapore	5	Nil
Hooghly	10	Nil
Howrah	18	1
24-Parganas	12	1
Nadia	13	Nil
Murshidabad	1	1
Jessore	8	4
Khulna	3	Nil
Dacca	8	Nil
Mymensingh	23	6
Faridpur	13	2
Bakarganj	30	7
Chittagong	9	1
Tippera	11	Nil
Noakhali	12	2
Rajshahi	22	10
Dinajpur	1	Nil
Jalpaiguri	1	Nil
Rangpur	12	4
Bogra	4	3
Pabna	84	36
Malda	29	15
Total ...	363	94

Questions and Answers.

By the Hon'ble KHAN SAHIB AMAN ALI :—

Muhammadans and road cess.

V. (*a*) Will the Government be pleased to lay on the table a statement showing the amount of road-cess paid by Muhammadan raiyats, intermediate holders and zamindars in the different districts of the Bengal Presidency, as compared with the amounts paid by other communities?

(*b*) Is it a fact that the Muhammadans are paying equal or more cess than other communities?

(*c*) If so, are the Government considering the desirability of issuing circular orders to the different District Boards to make provision for scholarships to be awarded to Muhammadan students, in proportion to the cess paid by that community?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) and (*b*) The information is not available, and Government are not prepared to call for it in view of the expense and labour involved in the compilation of the figures, which would necessitate the employment of a large additional staff.

(*c*) No."

By the Hon'ble KHAN SAHIB AMAN ALI :—

Muhammadan president panchayats.

VI. (*a*) Will the Government be pleased to state the number of Muhammadan president panchayats in the Brahmanbaria and Chandpur subdivisions in the district of Tippera in the year in which the system was first introduced and also in recent years?

(*b*) Is it a fact that the number of Muhammadan panchayats has decreased?

(*c*) If so, are the Government considering the desirability of inquiring into the cause of such decrease?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) When the president panchayat system was first introduced, the number of Muhammadan president panchayats in the Brahmanbaria subdivision was 38 out of a total of 100, and in the Chandpur subdivision 40 out of a total of 60. The numbers now are 25 and 35 out of 77 and 52, respectively.

(*c*) In answer to inquiry the District Magistrate reports that in filling up vacancies in president panchayatships, regard is always had to the importance of the Muhammadan community in the union concerned, but that it is often difficult to find suitable Muhammadans with the necessary qualifications."

By the Hon'ble KHAN SAHIB AMAN ALI :—

... of two Muhammadan Tahsildars.

VII. (*a*) Are the Government aware that in the reorganisation of the Khas Mahal office at Noakhali, the services of two permanent Muhammadan Tahsildars have been dispensed with and that a temporary Hindu Tahsildar has been appointed in their place?

(*b*) Is it a fact that the Hindu Tahsildar so appointed has a bad record of service?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) The case to which the Hon'ble Member refers is the appointment of a clerk in the Khas Mahal Department in the Noakhali Collectorate, not of a Tahsildar. Government understand that in this case an appeal is pending before the Commissioner of the Chittagong Division; and for this reason do not consider it desirable to make any pronouncement in the matter at the present stage."

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Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) No.
(*b*) No.
(*c*) No. The number of Middle English schools in proportion to the population is greater in the Chittagong Division than in any other Division."

By the Hon'ble KHAN SAHIB AMAN ALI :—

IX. (*a*) Are the Government aware that the price of cloth has risen abnormally high? Rise in the price of cloth.
(*b*) If so, are the Government taking any steps to regulate its price?

Answer by the Hon'ble MR. DONALD :—

" The Hon'ble Member is referred to the answer to question No. XXXIV (unstarred) given at the meeting of the 19th February last."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

X. Will the Government be pleased to state— Expenditure on Hostels, etc.

(*i*) the total expenditure on Hostels, Boarding Houses and College messes in Bengal during the financial years of 1912-17;
(*ii*) the total expenditure on such institutions, meant exclusively for Muhammadans, during the same period?

Answer by the Hon'ble MR. O'MALLEY :-

" Two statements are laid on the table. In Statement B separate figures showing the expenditure incurred on institutions meant exclusively for Muhammadans cannot be given without an undue amount of labour."

Questions and Answers.

Statement A referred to by the Hon'ble MR. O'MALLEY *in his answer to question No. X (unstarred) asked by the Hon'ble* MAULVI A. K. FAZL-UL-HAQ *at the Council meeting of the 5th March, 1918.*

EXPENDITURE ON HOSTELS AND MESSES DURING 1912—1917 OUT OF THE IMPERIAL GRANTS.

For Indians.

YEARS	TOTAL EXPENDITURE			EXPENDITURE ON MUHAMMADAN HOSTELS, ETC.			Calcutta University not included in column 4.
	Recurring	Non-recurring.	Total.	Recurring	Non-recurring.	Total.	
1	2	3	4	5	6	7	8
	Rs	Rs.	Rs	Rs	Rs	Rs	Rs.
1912-13 ...	...	2,62,000	2,62,000	...	10,000	10,000	...
1913-14 ...	...	5,05,000	5,05,000	...	66,000	66 000	...
1914-15 ...	...	7,29,000	7,29,000	...	1,39,000	1,39,000	...
1915-16 ...	88,000	4,06,000	4,94,000	29,000	1,88,000	2,17,000	9,50,000*
1916-17 ..	96,000	92,000	1,88,000	31,000	66,000	97,000	61,000*
GRAND TOTAL ...	1,84,000	19,94,000	21,78,000	60,000	4,69,000	5,29,000	10,11,000†

* The University programme includes Rs 2,66,756 for the Muhammadan hostel on the Baitakhana Road.
† This is not included in column 4

Statement B referred to by the Hon'ble MR. O'MALLEY *to Question No. X (unstarred) asked by the Hon'ble* MAULVI A. K. FAZL-UL-HAQ *at the Council Meeting of the 5th March, 1918.*

EXPENDITURE ON HOSTELS, ETC., DURING 1912—1917 OUT OF PROVINCIAL REVENUES.

For Indians and Europeans.

YEARS.	Total expenditure from all heads, *e.g.*, fees, Provincial revenues, Municipal grants, etc	EXPENDITURE FROM PROVINCIAL REVENUES.			EXPENDITURE ON MUHAMMADAN HOSTELS.		
		Recurring.	Non-recurring.	Total.	Recurring	Non-recurring.	Total.
1	2	3	4	5	6	7	8
	Rs	Rs	Rs.	Rs.			
1912-13 ...	16,98,500 (recurring).	(a) 2,93,578	Not available.	...	Not available.		
1913-14 ...	19,64,084 (recurring).	(b) 3,35,524		...			
1914-15 ...	21,31,419 (recurring).	(b) 3,64,656		...			
1915-16 ...	22,83,664 (recurring).	(b) 3,96,518		...			
1916-17 ...	Not available	(c) 3,72,825	2,41,374 (b)	6,45,199			
GRAND TOTAL	...	1[illegible],101	...	[illegible]	...	...	...

(a) Includes Rs. 1,90,739 for European institutions.
(b) Includes expenditure on European institutions the amount of which is not known. [illegible]
(c) Includes Rs. 2,59,806 for European institutions.

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

A question of precedence.

XI. (*a*) Is it a fact that in allotting seats to the invited guests on the occasion of the presentation of addresses to His Excellency the Governor on his recent visit to Burdwan the seat of the late Nawab Abdul Jubbar was placed after some Rai Bahadurs and that of Shamsul Ulama Lutfur Rahman after all the Rai Bahadurs?

(*b*) Are the Government considering the desirability of inquiring why the Muhammadan title-holders were not given places according to their rank?

(*c*) Is it a fact that the Muhammadan gentlemen referred to above though present in Burdwan did not attend on the occasion?

Answer by the Hon'ble MR. KERR :—

" (*a*) The late Nawab Abdul Jubbar, C.I.E., occupied the sixth place in the Burdwan district Durbar list, and he was accordingly allotted the sixth seat on the occasion referred to. Shamsul Ulama Lutfur Rahman is a resident of the district of Murshidabad and is not on the Burdwan Durbar list. He was invited to the ceremony at the request of the Secretary of the Muhammadan Association, and no question as to his precedence arose.

(*b*) The enquiries which have been made show that the arrangements were in accordance with the rules.

(*c*) It is reported that the late Nawab was unable to attend the ceremony owing to age and bodily infirmity. It is not known why Shamsul Ulama Lutfur Rahman did not attend the ceremony or whether he was in Burdwan on that day."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

The Burdwan District Board and Municipality address to His Excellency the Governor.

XII. (*a*) Are the Government aware that on the occasion of the visit of His Excellency the Governor to Burdwan on the 9th January last, an address was presented to His Excellency by the District Board of Burdwan and the Burdwan Municipality jointly?

(*b*) Is it a fact that a paragraph referring to the transfer of the District Officer was put in by the Magistrate without the knowledge of any Member?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Yes.
(*b*) No."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Extensions of service of certain Judicial officers.

XIII. (*a*) Is it a fact that about 23 Sub-Judges including one District Judge, promoted from the Provincial Service, are due to retire on or before the 1st May, 1918?

(*b*) If so, are the Government considering the desirability of requesting the High Court not to allow any extensions of service to these officers in view of the recent letter No. 109-Public, dated India Office, London, the 7th September, 1917, from the Secretary of State, amending the Civil Service Regulations with regard to the pensions of Gazetted officers?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes.

(*b*) Extension of service for one year was granted to four of the officers in September 1917 before the receipt of the recent orders. The case of the remaining officers is under consideration and will be decided in accordance with the orders now in force."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Scheme regarding the Provincial Judicial Services.

XIV. (*a*) Is it a fact that, after the separation of Bihar, the High Court submitted a scheme regarding the Bengal Provincial Judicial Service?

(*b*) Was that scheme approved by the Government and shown as the existing cadre in the Report of the Public Services Commission?

(*c*) If so, will the Government be pleased to state why that scheme was not given effect to?

Answer by the Hon'ble MR. KERR :—

"(*a*), (*b*) and (*c*) The Hon'ble Member is referred to the answer given to the question put on this subject by the Hon'ble Babu Akhil Chandra Datta at the meeting of the Council held on the 7th August, 1917."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Pay of Munsifs

XV. (*a*) In view of the assurance given by the Hon'ble Nawab Sir Syed Shams-ul-Huda in his Budget speech of the 3rd April, 1917, on my resolution for increasing the pay of the last grade of Munsifs, that the Government of India have promised to deal with the recommendations of the Public Services Commission expeditiously, will the Government be pleased to state whether there is any chance of the recommendations of the Public Services Commission being given effect to in the next financial year?

(*b*) If not, are the Government considering the desirability, in the next financial year, of raising the pay of the last grade of Munsifs to Rs. 250 and of giving effect to the scheme shown as the existing cadre of the Munsifs and Sub-Judges in the Report of the Public Services Commission?

Answer by the Hon'ble MR. KERR :—

"(*a*) It is not possible for this Government to say when final orders will be passed on the report of the Royal Commission.

(*b*) The answer is in the negative."

By the Hon'ble MAULVI A. K. FAZL-UL HAQ :—

Prospects of Munsifs.

XVI. (*a*) Is it a fact that the majority of Munsifs do not rise to the Rs. 400 grade till they reach the age of 45 years?

(*b*) Are the Government aware of the opinion that has been expressed that the efficiency of this branch of the Government service is jeopardised owing to the bad prospects held out to the members of the service?

Answer by the Hon'ble MR. KERR :—

"(*a*) The average age at the time of their promotion to the second grade of the Munsifs who are now in that grade, was [illegible] years and 4 months.

(*b*) No."

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XVII. (*a*) Are the Government considering the desirability of moving the Government of India to amend the Civil Service Regulations so as to permit of Provincial Judicial officers affixing their privilege leave to the Puja holidays? Leave of Judicial officers.

(*b*) If not, will the Government be pleased to state why this privilege cannot be granted to these officers?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) As stated in the speech made by the Hon'ble Sir Henry Wheeler on the resolution moved by the Hon'ble Maulvi Abul Kasem at the meeting of the Council held on the 4th September, 1917, the question of the leave rules of the Provincial Judicial Service will be considered in connection with the report of the Royal Commission on the Public Services. The merits of the question were also discussed on that occasion."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XVIII. (*a*) Are the Government aware of the fact that the difference in the number of close holidays enjoyed by the Judicial officers and the Executive officers is very small at present? Judicial officers and holidays.

(*b*) Are the Government considering the desirability of recommending the grant of privilege leave of 15 days only on full pay to Munsifs and Sub-Judges?

Answer by the Hon'ble MR. KERR :—

" (*a*) Excluding Sundays and local holidays, the Civil Courts are closed for 58 days during 1918 and the Courts and offices of executive officers for 36 days.

(*b*) The Hon'ble Member is referred to the answer to question No. XVII."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XIX. What was the total cost incurred by the Government in the case in which Mr. Meredith, a bailiff of the Court of Small Causes, Calcutta, was concerned? The case of Mr. Meredith.

Answer by the Hon'ble MR. KERR :—

" The Hon'ble Member is referred to the answer given to a similar question at the meeting of this Council which was held on the 2nd July, 1917."

Questions and Answers

By the Hon'ble MR. H. R A. IRWIN :—

XX (*a*) With reference to my unstarred question No. VI regarding the hook-worm disease, asked at the Council meeting of the 3rd July, 1917, and the Hon'ble Mr. Donald's reply thereto, will the Government be pleased to state whether a reply has been received from the Government of India to the representation from this Government?

(*b*) If so, what is the nature of such reply?

(*c*) If no reply has been received, are the Government considering the desirability of reminding the Government of India on the matter?

Answer by the Hon'ble MR. O'MALLEY :—

" The Government of India have accepted the proposals of this Government for a comprehensive inquiry into the prevalence and distribution of hook-worm disease in Bengal. The Governing Body of the Indian Research Fund Association have agreed to meet the cost of the scheme, which is estimated at Rs. 6,000. The inquiry has already begun "

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXI (*a*) With reference to the answer to my question No. XXXVIII, asked at the meeting of the Council, held on the 22nd January, 1918, regarding commutation proceedings in the record-of-rights operations, will the Government be pleased to state whether there are any instances on record in which the rate has been fixed by the Settlement authorities at more than one-fifth of the value of the gross produce, since the instructions referred to in the said question were issued?

(*b*) If so, what is the proportion of such instances to the total cases of commutation in each particular district where the record-of-rights operations have been carried on?

Answer by the Hon'ble MR. KERR —

" (*a*) Yes.

(*b*) Since the instructions were issued commutation has been ordered in 284, 74 and 17 cases in the districts of Midnapore, Dacca and Mymensingh, respectively. The number of cases in which the rent fixed exceeded one-fifth of the value of the gross produce was 166, nil and 15 in the three districts."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXII. (*a*) Will the Government be pleased to state what Bengali dramas have up to date been prohibited from being acted on the public stage?

(*b*) What are the reasons for such prohibition in each case?

(*c*) Are the Government considering the desirability of permitting these plays to be staged, after being purged of any objectionable portions?

(*d*) If so, what portions would they desire to be expunged in each case?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) A statement is laid on the table.

(*c*) and (*d*) No such proposal is under the consideration of Government."

Questions and Answers.

Statement referred to in the answer to question No. XXII (unstarred), asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *at the Council meeting of the 5th March, 1918.*

Name of play	Number and date of notification under section 3 of the Dramatic Performances Act, 1876	Clause of section 8 under which the performance was prohibited
1. Chattrapati Sivaji (1st edition).	No. 474 N., dated the 22nd February 1912.	(*a*) or (*b*)
2. Chattrapati Sivaji (2nd edition).		
3. Durgasur (1st edition).		
4. Karmafal ...		
5. Matri Puja ...		
6. Mir Kasim ...		
7. Mira Uddhar ...		
8. Nanda Kumar ...		
9. Palashir Prayaschitta.		
10. Ranajiter Jiban Jagna ...		
11. Samaj ...		
12. Seraj-ud-Dowlah (2nd and 3rd editions).		
13. Surath Uddhar Gitabhinay (2nd edition).		
14. Sansar ...	No. 3487 P.D., dated the 31st October 191[illegible]	(*a*)
15. Asha Kuhakini	No. 279 P.D., dated the 26th April 1910.	(*b*)
16. Holo Ki ...	No. 1669 P.D., dated the 21st June 1910.	(*b*)
17. Ahamari	No. 5059P., dated the 21st August 1911.	(*a*)
18. Chandra Shekhar	No. 710P., dated the 28th January 1913.	(*b*)
19. Sarat Sarojini	Order No. 6505P., dated the 12th August 1914.	(*b*)
20. Harish Chandra Natak (8th edition).	Order No. 187P.D., dated the 2nd May 1916.	(*b*)

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Transfer of Agricultural Department to

XXIII. (a) Is it a fact that the office of the Director of Agriculture is to be transferred to Dacca?

(b) If so, will the Government be pleased to state the circumstances relating to this step?

(c) Are the Government considering the desirability of transferring any other offices from Calcutta to Dacca?

Answer by the Hon'ble MR. KERR :-

" (a) The answer is in the affirmative.

(b) and (c) Government adhere generally to the view which they have frequently expressed that in the interests of administrative efficiency it is desirable that all departments should be situated at the headquarters of the Government; and it is not their intention to transfer other offices from Calcutta to Dacca.

The case of the Agricultural Department has been reconsidered by Government on account of certain representations made to them by the present Director of Agriculture in the Presidency. There are, in the opinion of Government, special circumstances which differentiate this department from others. The Director in any case must spend a considerable part of his time at the Chief Government Experimental Farm which is situated at Dacca. In Bombay, the United Provinces and Burma, the headquarters of the Agricultural Department are situated away from the headquarters of Government In these circumstances Government have decided on the removal to Dacca of the headquarters of the Department of Agriculture. In coming to this conclusion, Government have borne in mind among other considerations the views expressed by the representatives of Eastern Bengal."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Opinion by the Government of Bengal on the Income-tax Bill.

XXIV. (a) Were the Government of Bengal invited to express their opinion on clause 4 of the Indian Income-tax Bill now pending before the Imperial Legislative Council.

(b) If so, will the Government be pleased to give the purport of any opinion forwarded by them on this subject?

(c) Have the Government made any calculation as to the extent to which the annual income-tax revenue is likely to be increased in Bengal by reason of clause 4 of the Bill in regard to assessees having agricultural income?

(d) If so, will the Government be pleased to lay a statement on the subject on the table?

Answer by the Hon'ble MR. DONALD :—

" (a) The opinion of this Government was invited on the provisions of the Bill as a whole.

(b) The reply of this Government is before the Government of India and it is the latter which should apparently be moved for its publication, if desired.

(c) No.

(d) The question does not arise."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXV. Will the Government be pleased to state what industries have been, or are proposed to be, started or organized in Bengal, at the instance of the Munitions Board? Munitions Board and the starting of new industries.

Answer by the Hon'ble MR. DONALD :—

"The Munitions Board is not under the Local Government and questions regarding it should be asked in the Imperial Legislative Council."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXVI. Have the Government ascertained the possibilities of Chittagong as a ship-building centre? Chittagong as a ship-building centre

Answer by the Hon'ble MR. COWLEY :—

"The whole question is being investigated at present by the Indian Munitions Board."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXVII (a) Is it a fact that there have been a few cases of plague in some parts of the district of Bakarganj? Plague in Bakarganj.

(b) If so, will the Government be pleased to state the circumstances relating to the outbreak, and the steps taken in connection therewith?

Answer by the Hon'ble MR. O'MALLEY :—

"An outbreak of plague occurred in the village Rajihar in Gournadi thana of the Bakarganj district. The disease first developed in a youth who had returned from Calcutta. The Civil Surgeon visited the village on the 6th February and the District Magistrate on the 8th February. The Magistrate arranged for a small segregation camp outside the village and for the despatch of certain necessaries from Barisal. A Sub-Assistant Surgeon was sent from Barisal to attend specially to the outbreak and the medical officer in charge of the Gournadi dispensary was ordered to devote himself to it. As soon, also, as intimation was received by the Sanitary Commissioner, an officer with special experience of plague was immediately despatched to the village from Calcutta to investigate and report. Three cases of suspected plague also occurred in Barisal towards the end of January which appear to have had no connection with the cases at Rajihar. The statistics up to the 28th February, 1918, are—attacks 31; deaths 30; 1 case cured. From 24th to 28th February there were no seizures and no deaths."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXVIII. (a) Is it a fact that Babu Ramesh Chandra Mitra, Munsif of Patuakhali, has recently resigned his appointment? Resignation by a Munsif of Patuakhali

(b) If so, will the Government be pleased to state the reasons for such resignation?

(c) Is there any truth in the statement that the said resignation was due to the fact that the above named gentleman had applied for short leave to attend the Kumbh Mela, and that this was refused?

Questions and Answers.

Answer by the Hon'ble MR KERR :—

"(a) Yes.

(b) In his letter of resignation addressed to the High Court, he stated that he was unable to continue in his office owing to the state of his health.

(c) No. The Munsif did not apply for leave for any purpose either to the District Judge or to the High Court."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

The new subdivision in Mymensingh.

XXIX. (a) Will the Government be pleased to state what are the proposed area and limits of the new subdivision of Dhanbari in Mymensingh under the scheme of district partition?

(b) Are the Government considering the desirability of ascertaining public opinion regarding the allocation of thanas to the respective subdivisions and the re-distribution of thana areas?

Answer by the Hon'ble MR. KERR :—

"(a) The new subdivision of Dhanbari will consist of thanas Dhanbari, Gopalpur, Madhupur, Sarisabari, Kalihati and Ghatail, covering an area of 615 square miles, together with the Gargazali portion of the Madhupur jungle, the exact area of which has not yet been determined.

(b) The scheme for the partition of Mymensingh was published in the *Calcutta Gazette* in Resolution No. 6287 P., dated the 27th May, 1915, and the opinions of the public were invited. The suggestions which were received have been fully considered, and certain modifications of the original project introduced in consequence. Government do not consider that it would serve any useful purpose to consult the public again."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

The railway bridge over the Brahmaputra.

XXX. (a) Is it a fact that the Railway bridge over the Brahmaputra at Mymensingh has obstructed the flow of the river, and that a *char* has been thrown up in consequence?

(b) Are the Government considering the desirability of making an inquiry into the circumstances relating to this matter, and of taking steps for the removal of any such obstruction?

Answer by the Hon'ble MR. COWLEY :—

"(a) In 1916, the active channel of the old Brahmaputra river, about 800 feet above the Railway bridge, was on the Mymensingh town side of the river bed; since then the active channel has gone over to the left bank side and a *char* has formed on the town side. This *char* increased slightly during the year 1917. In the opinion of expert local officers the formation of the *char* is not due to obstruction by the Railway bridge but to the natural tendency in all deltaic rivers with sandy beds for the active channel to occupy only part of the bed and for the remainder of the bed to shoal up.

(b) No."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Formation of Union Committees.

XXXI. (a) Will the Government be pleased to make a statement showing, district by district, the number of Union Committees, the formation of which was sanctioned during 1915, 1916 and 1917, and the number of such Committees actually formed in each of these years, noting the reasons of failure to carry into effect the sanction in this behalf in each case?

(b) Is it a fact that although in the district of Khulna a number of Union Committees were constituted after regular election of members thereof, the work of a large number of these Committees has been kept in abeyance? If so, why?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" (a) A statement is laid on the table.

(b) The Hon'ble Member is referred to the remarks against Khulna in the last column of the statement."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. XXXI (unstarred), asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY *at the Council meeting of the 5th March, 1918.*

DISTRICT.	NUMBER OF UNION COMMITTEES SANCTIONED DURING—			NUMBER OF UNION COMMITTEES FORMED DURING—			Reason of failure to give effect to the sanction during the year.
	1915.	1916.	1917.	1915.	1916.	1917.	
Hooghly ...	3	...	(c)5	3	...	...	(a) The preliminary action necessary for the constitution of Union Committees could not be completed before the end of the calendar year.
Birbhum ...	(a)2	(d)3	(a)2	...	3	2	
Bankura ...	2	...	...	2	...	...	
Faridpur ...	(b)9	...	...	...	7	2	(b) Delay occurred over the modification of boundaries in order to render them conterminous with Chaukidari Unions.
Tippera ...	2	...	...	2	...	...	
Rangpur ...	15	..	(a)33	...	15	1	
Bogra ...	(a)6	...	...	1	5	...	(c) Three Union Committees have been recently sanctioned and steps are being taken for the election of members ; while two have been reconstituted and the old committees are working pending the formation of new committees. (d) Delay occurred in the case of one Union Committee pending a reference by the Divisional Commissioner, after publication of the final notification, on the subject of the introduction of the elective system. The preliminary action necessary for the constitution of another Union Committee could not be completed before the end of the calendar year.
Nadia ...	...	(e)4	...	...	...	3	(e) In the case of three Union Committees the preliminary action necessary for their constitution could not be completed before the end of the calendar year and in the case of a fourth further delay was caused by the failure of the first election.
Jessore ...	...	(f)4	...	...	...	2	(f) Delay was due to the failure of the first election.
Khulna ...	...	...	(g)24	...	...	15	(g) It is reported that the District Board took the view that its financial position did not enable it to support 24 committees and resolved to provide only 6 with funds, the remainder being kept in abeyance. The matter is now under the consideration of the Commissioner.
Dacca ...	...	(h)44	...	...	43	...	(h) In the case of one of the Union Committees sanctioned, the villagers subsequently expressed their unwillingness to proceed with the constitution of a Union Committee and the notification sanctioning it was accordingly cancelled.
Noakhali ...	...	...	1	...	...	1	

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Conference of local bodies

XXXII. (a) With reference to the answer to my unstarred question No LXXIV, asked on the 7th August, 1917, will the Government be pleased to state whether the inquiries referred to therein have been made?

(b) If so, are the Government considering the desirability of holding similar conferences of local bodies in Bengal?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) It has been ascertained that the local and municipal conference held in the Madras Presidency early in 1917 was organized privately by gentlemen interested in local self-government and that it was not held under the auspices of the Government of Madras, which accorded it no official recognition.

(b) In view of the above statement this question does not arise."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Rangpur Cattle Farm.

XXXIII. (a) With reference to the statement in the latest Annual Report on the Department of Agriculture, that the policy of the Rangpur Cattle Farm has been altered, will the Government be pleased to explain the policy so long followed, and in what material particulars has the alteration been made?

(b) What progress has been made under the old policy, and what practical results obtained at the Rangpur Dairy Farm?

Answer by the Hon'ble MR. KERR :—

" (a) The Hon'ble Member is referred to paragraph 8 of Government Resolution No. 552 T.—R., dated the 16th May, 1917, which was published in the *Calcutta Gazette* of the 23rd May, 1917.

(b) The lack of progress and of practical results under the old policy led Government to adopt a new policy."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

[Miss] Cleghorn's [work] on [silk]-worms.

XXXIV. With reference to Miss Cleghorn's Scientific work on silk-worms, will the Government be pleased to state—

(i) how long she has been engaged on this work in Bengal;

(ii) what has been the annual cost to Government both as regards her remuneration and other charges;

(iii) her qualifications and past experience in the work;

(iv) the offices held by her before employment in Bengal;

(v) the practical results obtained by her up to date; and

(vi) how far have these results been recognised by experts, or utilised in any practical manner?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(i) Miss Cleghorn has been engaged on work in connection with silk-worms in Bengal since 1902.

(ii) The expenditure incurred by Government in connection with her work has been as follows :—

	Remuneration.	Other charges.
	Rs.	Rs.
1914-15	Nil.	5,615
1915-16	Nil	5,000
1916-17	1,520	19,269
1917-18	4,200	16,500

(iii) Miss Cleghorn is a Fellow of the Linnean, Entomological and Zoological Societies of London, and is a Member of the British Ecological Society and of the Asiatic Society of Bengal, and has taken a course in Agricultural Science. She has studied silk-worms for 16 years.

(iv) She held no salaried appointment in connection with silk-worm investigation before her employment by the Bengal Government

(v) She has reared up to the 54th generation a hybrid race of multivoltine silk-worms which is believed to be superior in its yield of silk and power to resist disease.

(vi) The results of Miss Cleghorn's work have been highly appreciated by Mr H Maxwell-Lefroy, M A., F E.S , F.Z S., Imperial Silk Specialist, who has expressed the opinion that her work is thoroughly good, and her silk-worms and mulberry plant are of very great value to the Indian silk industry.

It is intended to test at the Berhampore Central Nursery in the year 1918-19, the economic value of Miss Cleghorn's hybrid race, which Mr. Lefroy considers the most successful hybrid race produced at present."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXXV. (a) With reference to the statement laid on the table in answer to my unstarred question No. XVI of the 22nd January last, will the Government be pleased to state whether Colonel J. Hodding, C.I.E., and Mr. H. C. F. Meyer also serve such co-sharers of the Nawab of Dacca as are not under the Court of Wards, and are paid in proportion to their respective shares in the joint estate? Estate of the Nawab of Dacca.

(b) If so, will the Government be pleased to make a statement showing the total amount drawn by each under each head referred to in the aforesaid question, from the joint estate of the Nawab and his co-sharers, during each year comprised in the said statement?

Answer by the Hon'ble MR. KERR :—

"(a) Yes.

(b) A statement is laid on the table."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. KERR *to question No. XXXV (unstarred), asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY, *at the Council meeting of the 5th March, 1918, showing the amounts drawn by* COL. J. HODDING, C.I.E., *and* H. C. F. MEYER, ESQ., *on account of salary, etc., from the joint Estate of the Nawab of Dacca and his co-sharers.*

Year.	Name and designation of the officer and the Estate in which employed.	Salary.	Personal allowance.	Travelling charges and travelling allowances	Conveyance charges at the Head-quarters debited to the Estate.	House-rent or allowance.	Other expenses of a personal nature debited to the Estate.
1	2	3	4	5	6	7	8
		Rs.		Rs.	Rs.	Rs.	Rs.
1907-08 (from August 1907).	Colonel J. Hodding, C.I.E., Manager, Estates of the Nawab of Dacca and his co-sharers*	11,200	...	1,676	2,242	...	815
1908-09 ...	Ditto ...	17,889	...	1,218	2,720	...	1,116
1909-10 ...	Ditto ...	18,000	...	1,747	3,586	...	1,139
1910-11 ...	Ditto ...	18,000	...	1,655	3,452	...	1,160
1911-12 ...	Ditto ...	18,000	...	435	10,382	...	1,144
1912-13 ...	Ditto ...	18,000	...	1,410	4,685	...	1,209
1913-14 ...	Ditto ...	18,000	...	1,063	6,107	...	1.448
1914-15 ...	Ditto ...	18,000	...	186	6,346	...	1,214
1915-16 ...	Ditto ...	18,000	...	1,000	4,634	...	1,573
1916-17 ...	Ditto ...	18,000	...	983	4,918	...	1,224
1907-08 (from 1st August 1907).	H. C. F. Meyer, Esq., Agent, Estates of the Nawab of Dacca and his co-sharers, Barisal Agency†	6,887	...	...	207	...	...
1908-09 ...	Ditto ...	12,159	...	170	310	...	...
1909-10 ...	Ditto ..	10,331	...	92	310	...	...
1910-11 ...	Ditto ...	10,331	...	257	310	...	...
1911-12 ...	Ditto ...	13,731	...	398	310	...	...
1912-13 ...	Ditto ...	10,331	...	132	310	...	...
1913-14 ...	Ditto ...	10,331	...	291	310	...	...
1914-15 ...	Ditto ...	14,314	...	1,906	77	...	...
1915-16 ...	Ditto ...	10,331	...	108	213	...	...
1916-17 ...	Ditto ...	10,331	..	115	320	...	...

* Manager lives in an Estate house, part of which is used as an office by part of the Estate staff.
† Agent lives in an Estate house, part of which is used as an office.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Mr. Burton's conduct at Dinajpur.

XXXVI. (*a*) Is it a fact that Mr. Burton shot dead some Sonthals in Dinajpur on or about the 30th March, 1915, when he was stationed there as Superintendent of Police?

(*b*) If so, will the Government be pleased to make a statement regarding this incident?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) The facts of the case are stated in the judgment of the Sessions Judge of Dinajpur dated the 21st June. 1915, a copy of which is laid on the table."

Copy of Judgment referred to in the answer by the Hon'ble MR. KERR, *to question No. XXXVI* (*unstarred*) *asked by the* Hon'ble BABU BHABENDRA CHANDRA RAY, *at the Council meeting of the 5th March, 1918.*

In the Court of the Sessions Judge of Dinajpur,

The 21st June, 1915.

PRESENT :—C. H. MOSELEY, ESQ., Sessions Judge of Dinajpur.

Emperor

versus

(1) Paroo, (2) Churu, (3) Knor, (4) Monnu, (5) Jagan, (6) Jagua, (7) Budhan, (8) Chota and (9) Suga.

Sections 333/149, I. P. C.

Sessions Case No. 10 of 1915, Dinajpur.

For prosecution—Babu Jotindra Mohon Sen, Public Prosecutor

For defence—None.

Judgment.

THE nine accused persons in this case have been committed to this court for trial on charges of rioting, and with the provisions of section 149, I. P. C., of causing grievous hurt to Mr. L. H. Burton, the Superintendent of Police of this district in the discharge of his public duty, by piercing his leg with arrows.

All the accused have pleaded not guilty to the charges and the evidence against them has been heard in this court.

The case for the prosecution is that on a complaint having been lodged before a Magistrate by one Panchanon Das, a civil court peon, that he had been violently resisted by the accused Paru Sonthal and others in the execution of a writ of attachment of Paru's movable properties, a warrant for the arrest of Paru was issued by the Magistrate. The police officer entrusted with the execution of the warrant failed to execute it and applied for the issue of proclamation and attachment against Paru and these processes were issued by the Magistrate. Several police officers, including the Inspector of the Division attempted to execute these processes but failed owing to threats of armed resistance by Paru and his associates. Eventually the Superintendent of Police, with the approval of the District Magistrate, consented to the employment of armed police to overcome the resistance. On the morning of the 30th March, Mr. Burton proceeded to the vicinity of Paru's *bari* with an armed force of 20 constables and 2 head-constables and accompanied by the Inspector and the Kotwali Sub-Inspector. At a distance of about a mile from the *bari* he directed the armed force to come on slowly and rode ahead with the Inspector and Sub-Inspector. On reaching the *bari*, Mr. Burton rode into the courtyard and called out in Bengali to Paru to come out, adding that there was nothing to fear and that he would see that justice was done. The Sub-Inspector called out to Paru that he had a warrant for his arrest and that he should come out and give himself up.

Questions and Answers.

There was no response to these calls and in fact as Mr. Burton says, the *bari* appeared to be deserted. But presently the sounds of a drum being beaten and of voices, were heard inside the *bari*. Some Sonthals were seen coming towards the *bari* from different directions as if in response to the drum. Mr. Burton then sent the Sub-Inspector galloping off to bring up the armed force. He then took up his position along with the Inspector on a field about 30 yards to the east of the *bari*. Then four or five Sonthals came out in front of the *bari* and began to perform a sort of war dance to the sound of a drum, led by Paru who carried an axe in his hand, and kept saluting the sun. Mr. Burton from where he stood, again attempted to reason with them calling out to them that they were fools and that it was useless to attempt to resist an armed force. The armed force then arrived and Mr. Burton divided it up into two detachments sending one in charge of one of the head-constable to the west of the *bari* round by the north to prevent an escape in that direction and keeping the other with him. While the first detachment was on its way to take up its position, arrows were shot from the *bari* in both directions. Some whizzed past Mr. Burton who thereupon exchanged his pistol for a musket loaded with buckshot and fired the charge at the legs of one of the men who were in front of the *bari* dancing about and shooting arrows. The man (whom Mr. Burton says he saw actually shooting arrows in his direction), seized hold of his leg as if hit there. This, however, seemed to have no effect on the party of defenders. So Mr. Burton loaded again with buckshot and fired at a man's head. The man fell. He had also ordered his men to load with buckshot and fire low. At this moment a swarm of bees came from the direction of the *bari* and attacked Mr. Burton and the men with him. As he was struggling to protect himself against the bees, dropping his musket and losing his hat and glasses, he suddenly felt a sharp pain in his left leg and, looking down, found as he says, that an arrow had passed right through it. He then retired to some distance and after examining his wound started back for Dinajpur to get medical assistance, as it was apprehended that the Sonthals' arrows were poisoned. He left directions to keep the *basti* surrounded and promised to send out reinforcements from headquarters. Keramat Hossain, Head-Constable, with the 10 constables under his charge, then took up positions round the block of four *baris*, which includes Paru's *bari* and they were presently reinforced by 3 or 4 constables from the other detachment. (The head-constable and other constables of the second detachment, as well as the Inspector, had returned to a neighbouring *bari* to get what relief they could for their bee-stings).

According to Keramat Hossain, the Sonthals were at this stage still shooting arrows thick and fast in several directions and beating a drum. Presently, however, they withdrew into the main courtyard. Keramat Hossain called out again to Paru, threatening to set fire to his house if they did not stop. He then saw the Sonthals retiring inside the huts and the drum beating ceased. He thereupon signalled to his men to close in round the *bari* and ordered them to push the inner courtyard with fixed bayonets which they did. He next proceeded to address the inmates of the huts to induce them to come out. At this moment large reinforcements from headquarters arrived on the scene consisting of 43 armed constables in charge of a head-constable and soon after that, Paru, after some bandying of words was partly induced and partly pulled out of the west hut and placed under arrest. Five more men were induced to come out of the north and west huts and three more were found hiding in the dark inside the huts when a search was made with lights. These eight others were similarly placed under arrest and all nine were brought in custody to Dinajpur the same evening. They have remained in custody ever since and they have been identified as the nine accused persons now before the court. Five of them, viz., Chota, Jagan, Jagua, Budhan and Suga made statements with nature of confessions before Babu Girish Chandra Nag, Deputy Magistrate at Dinajpur, on the following day (March 31st) Paru, Churu, Manu and Kuor all had gun-shot wounds on them when they were arrested

Questions and Answers.

For the prosecution eleven witnesses have been examined in this Court, viz., Mr. Burton, Inspector Anadi Nath Ghosh, Sub-Inspector Srikanto Chakravarty, Head-Constable Keramat Hossain, Bhagabat Tewari and Mahamad Sakur Khan, Padarat Thakur (a shop-keeper who followed the police party and saw something of what occurred), Panchanan Das (the Civil Court peon), Dukhu Sonthal and Baranga Uraon (who prove the relationship between the accused persons) and the plan-maker Kailash Chandra Mittra. The deposition of the Assistant Surgeon of Dinajpur who examined and treated Mr. Burton, the four wounded accused and the stung constables, has been read as evidence.

Several documents evidencing the origin of the proceedings, against Paru and the subsequent course of event in connection with the attempt to arrest Paru have also been proved.

Exhibit 9 is the examination by the Magistrate of Panchanan Das on his complaint on the 10th February. Panchanan has stated in his evidence in this court that he was resisted in the execution of the writ of attachment and severely beaten by Paru, Churu and Jagan amongst the present accused, although at the time of lodging his complaint he did not know the names of the latter two.

Exhibit 6 is the warrant for the arrest of Paru addressed to the officer in charge of the Kotwali thana (who was Srikanto Chakravarty). Exhibit 7 is the proclamation for his appearance and Exhibit 3 is the Magistrate's order of attachment.

This evidence makes it clear that the warrant of arrest was legally issued and that the two police officers were acting legally and discharging their public functions in attempting to arrest Paru on the 30th March.

The evidence of Mr. Burton and of the Inspector, Sub-Inspector, Keramat Hossain, Bhagabat Tewari and Padarat Thakur fully proves the first part of the general case for the prosecution up to the wounding and retirement of Mr. Burton. As regards the number of persons who at this stage came out in front of Paru's *bari* and made demonstrations against the police, Mr. Burton says he saw five or six at a time, the Sub-Inspector speaks of five or six men in the outer courtyard and three or four men in the passage, and the Inspector speaks in much the same way, Keramat Hossain and Bhagabat Tewari speak of nine or ten men dancing about outside. Most of them seem to have been armed with bows and arrows.

Paru is identified by all the four police witnesses as the man who was taking the leading part in the proceedings. Of the other accused Churu is identified by the Inspector and the Sub-Inspector, Jagan by the Sub-Inspector, Jagua by the Inspector, Budhan by the Inspector and Sub-Inspector, Manu by the Sub-Inspector and Chota by the Sub-Inspector. Mr. Burton also identified Chota as a man who passed quite close to him into one of the houses adjoining Paru's when the drum beating began. Kuor who, as medical evidence shows, had nine gun shot wounds in his leg, is almost certainly the man at whose legs Mr. Burton first fired seeing him actually shooting arrows in his direction. Manu, who had a gun-shot wound in the eye is probably the man at whose head Mr. Burton fired the second charge. At any rate it is clear that he as well as Paru and Churu who also received gun-shot wounds, must have been to the fore when the shots were fired.

The second part of the case ending with arrest of all nine is proved by the evidence of Keramat Hossain, Bhagabat Tewari, Muhammad Sakur Khan and partly by the evidence of the Inspector and Padarat Thakur, the latter of whom saw the last three men brought out of the huts and identified them as Jagan, Chota and Budhan. At the time of the arrest, were found inside the *bari* 40 arrows, 13 bows, four shields, a large *dao*, one axe, a spear, a drum and Mr. Burton's hat as well as some other articles. Fifty-five other arrows were picked up outside the *bari*. All these have been produced and marked as Ex.

Questions and Answers.

The evidence of the Assistant Surgeon shows that Mr. Burton's leg was pierced to the bone by two punctured wounds and that he was incapacitated for at least six weeks. In the first instance an operation had to be performed under chloroform. (I may add that at the time of giving his evidence in this court, over 2½ months after the occurrence, Mr. Burton was still on leave recovering from the effects of the injuries).

It is proved beyond all manner of doubt that there was an unlawful assembly of over 5 persons headed by Paru, with the common object of resisting the lawful arrest of Paru, and that grievous hurt was caused to Mr. Burton while discharging his public duty, in prosecution of the common object. Most, if not all, the members of the assembly having been armed with bows, arrows or other deadly weapons, I hold that they all know that grievous hurt was likely to be caused and that they were therefore all criminally responsible, under the provisions of section 149, Indian Penal Code, for the injury inflicted. As I have already said, the fact that Paru, Churu, Kuor and Mangu were members of the unlawful assembly is proved incircumstantially by the gun-shot wounds which they sustained. Against the other five accused there is the evidence of one or two witnesses who say that they recognised them amongst the persons making the demonstrations in front of the *bari*, the fact that they were all eventually found inside the *bari*, and in the case of each of them, a statement of the nature of a confession. I leave aside for the moment the first class of evidence, especially in the cases of Chota, Jagan and Jagua, each of whom was only recognised by one witness, having regard to the possibility that the witnesses might be mistaken as to the identity. The next question which arises is whether the fact of the persons being subsequently found in Paru's *bari* is conclusive proof of their having taken part in the demonstration of resistance which resulted in the injury to Mr. Burton. It would certainly have been a stronger piece of evidence if it had been clearly shown that the *bari* had been successfully isolated from the beginning to the end of the operations. But there was evidently something of a break in the operations consequent on the bee incident and the constables guarding the *bari* thereafter have not been called as witnesses to testify that no one passed into the *bari*. However, it is clear to me that if any one did so pass in, at or after that juncture, he could only have done so with the intention of reinforcing the defenders, and the matter is, in my opinion, sufficiently cleared up by the confessions of these five accused, coupled with the evidence of the relationship to Paru and their behaviour on previous occasions. Jagua. in the opening sentence of his confession, stated, "when the police and the Sahib came, we entered Paru's house with bows and arrows".

Suga stated, "I was in Paru's place when the police Sahib went there yesterday. Paru said to me: Shoot them with arrows, else I shall kill you. I discharged my arrow once."

Chota stated, "Paru Majhi said to me. Do what I tell you or I shall kill you. When the Police Sahib went close to the *bari* of Paru, I was ploughing. I left my plough and entered the *bari* of Paru through fear. I remained there". He goes on to say that he remained all the time inside the hut. But it is obvious that any one who entered Paru's *bari* at the time when the police were about to make a raid on it, could only have done so with the object of joining in the resistance. The evidence of Baranga Uraon shows that Chota, although a step-brother of Paru, does not live in Paru's *bari*, but in the *bari* of his own brother Jagua, which is some distance to the south, and not adjoining Paru's *bari* (*vide* the map Ex. 8).

Budhan, in his confession stated. "When the Police Sahib went, I was in Paru's *bari*............I beat the drum."

Jagan, in his confession does not explicitly say that he was in Paru's *bari* at the time Mr. Burton was wounded. In fact he asserted that when the gun was fired he returned into his own hut (his *bari* adjoining Paru's) and

Questions and Answers.

remained there. The evidence, however, shows that he was found in Paru's *bari*. He stated, however, that he, as well as Budhan beat the drum, which would show that he was a member of the unlawful assembly at the inception.

These confessions appear to me to have been voluntarily made, although they have been, more or less, retracted before the Committing Magistrate. Even there Suga admitted that he had shot an arrow and Budhan that he had beaten the drum. Suga there asserted that Mr. Burton fired first. If he meant that he fired before any arrows were shot, his statement cannot possibly be accepted in face of Mr. Burton's evidence.

Then as regards relationship and previous conduct, it is in evidence that Churu is brother of Paru and Jagua and Chota are both step-brothers, Budhan is a first-cousin, Mannu is his nephew, Suga is a cousin, while Jagan and Kuor are both connected with him by marriage.

The evidence of the Civil Court peon, Panchanan, shows that when he went to execute the writ of attachment, Churu and Jagan joined Paru in resisting him with violence.

The evidence of Inspector and Sub-Inspector shows that when they went to arrest Paru on a previous occasion (in execution of the same warrant), Paru came to them in a neighbouring *bari* accompanied by some 15 other men, all armed with bows and arrows, axes, *daos*, shields. etc., and threatened to kill them if they did not leave the place immediately. The Inspector identifies Churu, Jagan, Jagua and Budhan as having been amongst Paru's companions on this occasion and the Sub-Inspector similarly identifies Churu and Chota.

Reading all this evidence together, I entertain no doubt that all the accused persons assembled in Paru's *bari* expressly for the purpose of resisting the police.

There appears to me to have been no sort of justification or even excuse for such resistance. In fact, it appears from the evidence that Paru pretends or imagines himself to be a Rajah, and has for some time past determined to defy all public authorities. I may add here that papers on the record show that Mr. Burton was very reluctant to employ an armed force and the evidence shows, that even after he had started for the place with his force, he made every attempt to effect his object first without bringing the force on to the scene and secondly, without resorting to actual use of the fire arms. There can be no doubt, I think, that the ultimate firing of the two charges of buckshot was necessitated by the circumstances.

Finding and Sentences.

Agreeing with both the assessors, I find all nine accused persons guilty of offences under sections 148, 333/149, I. P. C. Under the latter section I sentence Paru to rigorous imprisonment for five years and Churu Jagan, Jagua, Budhan, Manu, Kuor and Chota to rigorous imprisonment for three years each. Suga in consideration of his age (14 years) I sentence to rigorous imprisonment for three months under the same section. No separate sentences are passed under section 148, I. P. C.

C. H. MOSELEY,

Sessions Judge.

The 21st June, 1915.

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Staff of the record room.

XXXVII. (*a*) Will the Government be pleased to state the number of petitions which were submitted to Government about the grievances of the assistants of the Secretariat record room and what steps, if any, have been taken thereon?

(*b*) Will the Government be pleased to state whether it is a fact that the entire old staff of assistants were removed on the ground that the terms of their service had expired and that a new staff of assistants recruited from outside were appointed in their place?

(*c*) Is it a fact that circulars were issued by the Government to certain District offices to provide these men with appointments wherever possible?

Answer by the Hon'ble MR. KERR :—

" (*a*) Eight petitions were received from temporary assistants of the Secretariat record-room whose services had been dispensed with. In six of these, allegations were made against the Keeper of the Records. These allegations were fully enquired into by the Under-Secretary to Government in the Political Department and were found to be baseless. The other two petitions merely asked for employment.

(*b*) A number of temporary assistants were employed for various periods on repairing, arranging and tracing the old historical records. Their number varied from time to time, and on 15th September, 1917, when the sanctioned term of their appointment expired, seven men were so employed. Their work was not satisfactory, and it was decided to replace them by six men on better pay and with superior qualifications.

(*c*) Yes."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Vacancies in the Secretariat Record Room.

XXXVIII. (*a*) Will the Government be pleased to state whether the Secretariat Rules require the notifying of vacancies in the Secretariat Record Room?

(*b*) If so, why the rules were not complied with by the Keeper of Records, Mr. Dias, in respect of vacancies in the Record Room?

(*c*) Will the Government be pleased to state whether the claims of qualified men in the Record Room were passed over from time to time on the occurrence of vacancies there? If so, why?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) The Secretariat rules do not require that these appointments should be notified.

(*c*) In two cases assistants in the record-room were passed over for promotion because they were considered unfit for the vacant posts."

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

"XXXIX. (*a*) Will the Government be pleased to lay on the table the appointment file and the Service Book of Mr. Dias, the Keeper of Records? Case of the Keeper of Records.

(*b*) Is it a fact that a notice has been received from the Accountant-General, Bengal, stating that Mr. Dias will shortly attain the age of 55 years?

(*c*) Is it also a fact that he was appointed on the understanding that according to his own statement he was only 45 years of age?

(*d*) Are the Government considering the question of removing Mr. Dias from his post?

Answer by the Hon'ble MR. KERR :—

"(*a*) Government are not prepared to lay these papers on the table.

(*b*) The answer is in the affirmative. The Accountant-General miscalculated Mr Dias' age on incorrect information supplied by the Secretariat Accounts Branch and has since corrected the mistake

(*c*) No He was 48 years of age at the time of his appointment.

(*d*) No."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XL. (*a*) Is it a fact that Bengal Regulation III of 1818 requires adequate allowance to be made for the suitable maintenance of state prisoners and their families, and also periodical reports to be made regarding the suitability of such allowance and about the health and comforts of the prisoners? Maintenance of state prisoners.

(*b*) If so, will the Government be pleased to state the purport of each such report together with the date thereof and the action taken thereon?

(*c*) How many complaints have been made up to date and what action has been taken thereon regarding—

(*i*) the inadequacy of maintenance allowance,

(*ii*) the unsuitability of the method of confinement; and

(*iii*) the health of the state prisoners in Bengal?

Answer by the Hon'ble MR. KERR :—

"(*a*) The Hon'ble Member is referred to the provisions of the Regulation in question.

(*b*) The Hon'ble Member is referred to the answer given to his unstarred question No. II at the meeting of Council held on the 20th November, 1917.

(*c*) The Hon'ble Member is referred to the answer given to similar questions Nos. XVII and XVIII asked by him at the meeting held on the 20th November, 1917, with regard to *détenus*. As regards State prisoners the position is similar."

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XLI. (*a*) Have the Government any information regarding the state prisoners who recently went on a hunger-strike in the jail at Alipur?

(*b*) If so, will the Government be pleased to state how each of them is getting on at present?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) Government has received information from time to time regarding the prisoners referred to. Any information in the possession of Government has been and will be freely communicated to the relatives of the persons concerned on application to the Additional Secretary to Government, but it is not considered desirable to publish bulletins about these men."

By the Hon'ble MAULVI ABUL KASEM :—

XLII Will the Government be pleased to state whether it is proposed to abolish the office of the Assistant Director of Public Instruction for Muhammadan Education or to amalgamate it with the office of the Assistant Director of Public Instruction?

Answer by the Hon'ble MR O'MALLEY :—

"It is not proposed either to abolish the post of Assistant Director of Public Instruction for Muhammadan Education or to amalgamate it with that of the Assistant Director of Public Instruction. During the absence on leave of the Assistant Director of Public Instruction for Muhammmadan Education the Assistant Director of Public Instruction is at present performing the duties of both posts, and temporary arrangements of this nature are likely to prove necessary in the future, in view of the shortage of officers of the Indian Educational Service during the war."

By the Hon'ble MAULVI ABUL KASEM :—

XLIII Will the Government be pleased to state—

(*i*) when the appointment of the Inspector of Civil Court offices was first created;

(*ii*) the name of the officer now holding the appointment;

(*iii*) the salary paid to him;

(*iv*) his qualifications, and the work he did before his appointment to this office, and the salary he then received;

(*v*) when his term of service expires.

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(*i*) October 12th, 1914.

(*ii*) Mr. R. J. Watson.

(*iii*) Rs. 1,500 a month.

(*iv*) He was trained in England to be a Solicitor. In 1903 he came to Calcutta as Manager of the Remington Typewriter Company, and while in their employment he was instrumental in introducing several important changes in the offices of the Calcutta Municipality, the Port Commissioners, the Bengal-Nagpur Railway, the East Indian Railway and certain large private firms. At the instance of the Ministerial Officers' Salaries Committee Mr. Watson was appointed Controller of Office Systems, Bengal, on January 1st, 1906, on Rs. 1,500 a month, his main duties being to inspect Civil, Criminal and Collectorate record-rooms; he held this post until he obtained his present appointment, which was sanctioned by the Secretary of State at the instance of the High Court and the Government of India in view of the necessity of some special agency for assisting District Judges in the control of the administrative work of their offices.

(*v*) December 31st, 1930."

By the Hon'ble MAULVI ABUL KASEM :—

Special officers in connection with the Calcutta Municipal Bill.

XLIV Will the Government be pleased to state—

(*i*) the names of the officers placed on special duty in connection with the Calcutta Municipal Bill;

(*ii*) the period for which they were so employed; and

(*iii*) the amount of special allowances paid to them?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) A statement is laid on the table."

Statement referred to by the Hon'ble Mr. O'Malley in his answer to question No. XLIV (unstarred) asked by the Hon'ble Maulvi Abul Kasem at the Council meeting of the 5th March, 1918, showing names of officers placed on special duty in connection with the Calcutta Municipal Bill.

NAME.	Period of special appointment.	Special allowances
1	2	3
1. Mr. C. F. Payne, I.C.S.	15th October, 1912 to 24th March, 1913.	Deputation allowance of Rs. 300 per mensem or Rs. 10 per diem, whichever was less.
2 Mr. S. C. Gupta, Bar.-at-Law.	9th February, 1913 to 12th September, 1914	A temporary appointment on consolidated pay without allowances was created.
3. Mr. J. C. Mukharjea, Bar.-at-Law.	19th October, 1914 to 9th May, 1915.	

Questions and Answers.

By the Hon'ble MAULVI ABUL KASEM :—

Settlement Officers in Bengal.

XLV (*a*) Will the Government be pleased to state—

(*i*) the names of Settlement Officers at present employed in charge of major operations;

(*ii*) the length of actual service of each such officer; and

(*iii*) the period of employment of each such officer in the Settlement Department before his appointment as Settlement Officer?

(*b*) Is it a fact that the Government of India suggested that at least some of the appointments of Settlement Officers should be held by Indian Members of the Provincial Service?

(*c*) Are the Government considering the desirability of appointing an Indian Member of the Provincial Service as a Settlement Officer?

(*d*) Is it a fact that there are several members in the Provincial Service who are quite fit to act as Settlement Officers?

Answer by the Hon'ble MR KERR :—

" (*a*) A statement is laid on the table

(*b*) The Government of India once suggested that some appointments of Settlement Officers should be listed as open to the Provincial Civil Service

(*c*) and (*d*) These questions have been and are still under the consideration of Government."

Statement referred to by the Hon'ble MR. KERR *in his answer to question No. XLV (unstarred) asked by the Hon'ble* MAULVI ABUL KASEM *at the Council meeting of the 5th March, 1918.*

Names of Settlement Officers at present employed in charge of major operations.	The length of actual service	The period of service of each such officer in the Settlement Department before his appointment as Settlement Officer.
1	2	3
1. Mr. F. W. Robertson, I.C.S., Settlement Officer of Bankura and Midnapore.	8 years ...	2 years.
2. Mr. W. H. Nelson, I.C.S., Settlement Officer of Rajshahi.	12 years 8 months.	2 years 2 months.
3. Mr. W. H. Thompson, I.C.S., Settlement Officer of Tippera and Noakhali	8 years ...	3½ years.
4. Mr. J. M. Pringle, I.C.S., Settlement Officer of Jessore.	5 years 3 months.	1 month.

The Amended Draft Financial Statement.

Mr. Donald.

LIST OF BUSINESS—ITEM No. 2.

THE AMENDED DRAFT FINANCIAL STATEMENT.*

The Hon'ble MR. DONALD presented the Amended Draft Financial Statement for Bengal for 1918-19 :—

He said : —" I have the honour to present to the Council the Amended Draft Financial Statement for the year 1918-19. Hon'ble Members have already received copies of the statement together with a memorandum which explains the general financial situation of the Presidency in the current and coming year. As regards the current year it will suffice to say that our receipts have exceeded our expectations. From Excise we expect to get Rs. ten lakhs over the budget figure, from Income Tax fifteen lakhs, and from sales of quinine for military requirements about eighteen lakhs. Against this there is a falling off under Stamps. On the expenditure side there are savings, mainly under Police and Education.

As to the coming year our estimates have been prepared on lines similar to those followed in the past two years. War conditions still prevail, and the principle that our expenditure should not exceed our total income had again to be followed. We found it impossible however to meet all our urgent wants within the limits of our income and the Government of India have therefore allowed us to draw on our balances to the extent of Rs. 40 lakhs. Twelve lakhs of this are required for the replenishment of our reserve of quinine, while the balance is needed mainly for urgent public works of importance. Our expenditure in the coming year will thus be considerably over that of the current year, but in the end our balances will be at approximately the same figure as that with which we started the present year.

I would invite the attention of the Hon'ble Members to the further memorandum which was circulated yesterday—making corrections and additions in the Financial Statement. Consequent on the recurring assignment of Rs. 5½ lakhs which has been given by the Government of India for primary education this amount has been added both to the revenue as well as to the expenditure side of the estimate.

There is one other point which I desire to mention. In the last two years there was some discussion on the subject of the supply of departmental budgets to Hon'ble Members, and the Hon'ble Mr. Beatson Bell last year told the Council that the departmental budgets would be promptly printed in convenient form for the use of all members interested in them. So far as I recollect only one member applied for copies. This year we have taken a further step. Hitherto our Civil Estimates have been printed by the Government of India, but we have now taken over this work ourselves, and I am in a position to-day to furnish each member of the Council with a copy of these estimates for his own use in connection with the discussion on the Financial Statement. Hon'ble Members will realise that the figures are as yet only provisional, and will not be final till the Budget is finally presented. These estimates contain all that is in the departmental budgets as regards income and expenditure of the budget year and of the two years previous, and will, I believe, give all the information that Hon'ble Members desire to have. But if there is any point in which Hon'ble Members have any doubt I shall be glad to explain it to them or give them any information they may desire.

* Not printed in these Proceedings.

The Amended Draft Financial Statement.

Sir S. P. Sinha.

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble SIR S. P. SINHA introduced the following heads :—

EXPENDITURE—

19A.—Courts of Law.

He said :—

" Sir, I rise to introduce the figures relating to Courts of Law.

The total budget estimate for 1917-18 was Rs. 1,01,57,000, but the revised estimate has been reduced to Rs. 1,00,10,000, with reference to the actual charges of the first nine months of the year. The decrease is chiefly due to smaller payment of fees to pleaders in connection with both civil suits and criminal cases.

The total expenditure for 1918-19 has been estimated at Rs 1,01,75,000. This includes a provision of Rs. 1,08,000 for the office of the Administrator-General and Official Trustee, Bengal, the control of which was recently transferred from the Government of India to this Government. A grant of Rs. 55,000 was made for the current financial year to meet the expenditure of this office from the 1st October 1917 to 28th February 1918. As the present staff of 14 Judges has proved insufficient to cope with the volume of work in the Calcutta High Court, and as it has not yet been possible to depute a Judge to inspect the mufassal Courts, the permanent addition of a Judge to the High Court Bench has been recommended to the Government of India. The appointment of a temporary additional Judge to help in clearing off the existing arrears of the Court has also been recommended to the Government of India. Provision has accordingly been made for two additional Judges with their establishment for the High Court. Provision for two temporary District and Sessions Judges and five temporary subordinate Judges with their establishment has been made in the budget for 1918-19, as the existing provision for one temporary District and Sessions Judge and two subordinate Judges with their establishment proved inadequate for administrative requirements and money had to be re-appropriated from other heads. Provision of Rs. 7,93,000 has been made in the next year's budget against Rs. 6,32,000 this year for Law Officers. The increase is chiefly due to the fact that larger provision had to be made under the heads 'Fees to Counsel and pleaders for conducting civil suits before the High Court', 'Fees to pleaders in criminal cases' and 'Charges for conducting law suits.' Provision has also been made for the additional Legal Remembrancer and his establishment as the term of his appointment has provisionally been extended. There has been, however, a considerable reduction under the head 'Charges under the Defence of India Act' from Rs. 75,000 in 1917-18 to Rs. 50,000 in 1918-19.

It has not been found possible to make provision in the Provincial Civil Works Budget for any new Judicial major works for the year 1918-19, though this year a sum of Rs. 19,508 was allotted for the acquisition of land for the construction of a new civil court building at Burdwan. A sum of Rs. 15,000 has, however, been provided in the budget for Judicial minor works as was done in this year's budget."

EXPENDITURE—

24B.—Sanitation.

" I beg to introduce for the consideration of the Council the estimates of expenditure on Sanitation.

The Amended Draft Financial Statement.

Sir S. P. Sinha.

The expenditure for the current year, which was originally estimated at Rs. 5,98,000, has been reduced by Rs. 88,000 in the revised budget for the reason explained in paragraph 54 of the draft Financial Statement. The transfer of a portion of the grant for sanitary improvements to the Irrigation Department is due to the fact that the Banka scheme in Burdwan is being carried out by that department, and does not imply a diversion of funds from sanitation.

The budget estimate for next year shows a very marked increase over the provision made in the last two years and amounts to Rs. 11,71,000. Government feel that, with the utmost regard to the requirements of economy, it is no longer possible to restrict expenditure on sanitary works within the narrow limits of recent budgets. On pages 24 and 25 of the draft Financial Statement will be found a list of projects which it is proposed to undertake at an estimated total cost of approximately eight and a half lakhs. Of this amount one lakh is provided for various charges, not connected with engineering, which are largely of a recurring nature and three lakhs for sanitary engineering works such as drainage and water-supply in urban areas. The balance of approximately four and a half lakhs is provided for objects shown in Part I of the list (Anti-malarial works). It will be seen that with three exceptions these are either large projects of rural drainage or measures such as survey and investigation preparatory to projects of this nature. This provision represents the beginning of a new campaign which Government are anxious to initiate on a large scale against malaria in rural areas. It includes contributions aggregating 2¼ lakhs towards two schemes known as the Arul Bil and Jamuna schemes in the districts of Nadia, Jessore and the 24-Parganas. The schemes were the subject of an address recently delivered by His Excellency to a Conference of District Boards at Government House, which will be fresh in the memory of members of Council : and I need only remind them that it is intended that these schemes should be initiated by the District Boards concerned and carried out under the Sanitary Drainage Act, VIII of 1895 ; the cost being met, so far as it is not covered by the Government grants, by loans taken by the Boards from Government and being eventually recovered from landholders beneficially affected by the scheme. Apart from the District Board schemes, Rs. 1,40,000 has been provided for schemes to be carried out entirely at the cost of Government, viz., the Saraswati scheme in Howrah district, the Baragachia and Manikhati schemes in the 24-Parganas district and the Chapra Bil scheme in Nadia district. Provision is also made for two anti-malarial schemes to be executed on lines laid down by Dr. Bentley in the towns of Nawabganj and Faridpur as well as for completing Dr. Bentley's experimental schemes in the Burdwan district and at Jungipore. It is expected that the last two schemes, as well as the two schemes at Meenglass and Singram which are being financed by the Indian Research Fund Association, will be completed during the ensuing financial year.

In conclusion, I am glad to be able to announce that intimation was received a few days ago from the Government of India that they have allotted Rs. 1,00,000 from their sanitary reserve for the current financial year for a contribution to the Midnapore waterworks scheme. This amount is being transferred from Imperial to Provincial funds and will be paid at once to the Midnapore Municipality.

REVENUE—

XXXI.—Civil Works in charge of Civil Officers.

EXPENDITURE—

45.—Civil Works in charge of Civil Officers.

I beg also to introduce the figures relating to Civil Works in charge of Civil Officers.

The Amended Draft Financial Statement.

Mr. Cumming.

The Budget estimate of receipts for the current year was Rs. 1,59,000, but in the revised estimate this has been reduced to Rs. 1,50,000. The decrease has been made mainly with reference to the average actuals of the last three years under the head "Tolls." The budget estimate for 1918-19 is Rs. 1,58,000.

As regards expenditure, the increase of Rs. 2,93,000 in the revised estimate for the current year is the result of an increase of Rs. 3,57,334 in augmentation grants to District Boards and of a provision of Rs. 40,000 for grants to District Boards by Commissioners of Divisions, set off against a decrease of about Rs. 1,00,000 under grants to Municipalities by those officers. This latter reduction is due to the fact that the grants made by the Divisional Commissioner for educational and medical purposes are debited to those heads instead of to the head Civil Works by reappropriation from this head.

The estimate for 1918-19 is Rs. 12,19,000, of which details for Rs. 11,95,490 are given in paragraph 65 of the Financial Statement."

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble MR. CUMMING introduced the following heads :—

Revenue—

I.—Land Revenue.

Expenditure—

3. Land Revenue.

Revenue—

IX.—Forests.

Expenditure—

11. Forests.

18. General Administration.

Revenue—

XXIA.—Agriculture.

Expenditure—

26A.—Agriculture.

Revenue—

XXI B.—Scientific and Miscellaneous Departments.

Expenditure—

26 B.—Scientific and Miscellaneous Departments.

Revenue—

XVIII.—Ports and Pilotage.

Expenditure—

21. Ports and Pilotage.

The Amended Draft Financial Statement.

Mr. Cumming.

He said :—

"Sir, I have the honour to introduce the main Heads under Land Revenue and its connected subjects.

The revised estimate of gross land revenue for 1917-18, namely, three crores and one lakh shows a decrease of five lakhs compared with the sanctioned estimate. The difference is mainly due to decreases of 2½ lakhs under ordinary revenue (fixed collections) and of 3½ lakhs under 'Recoveries on account of survey and settlement charges.' The estimated receipts for 1918-19 are one and half lakh less than three crores. An improvement of 2½ lakhs is anticipated in the collections from Government estates, but expected recoveries on account of survey and settlement charges show a decrease of nearly nine lakhs which is due to the postponement in 1916 of the settlement operations in Jessore and Bankura.

The provincial expenditure for 1918-19 is estimated at Rs. 36,28,000 against Rs. 34,38,000, the revised, and Rs. 35,57,000, the budget estimate for 1917-18. The increase is principally due to enhanced provision for improvements in Government estates. The proposed expenditure on General Administration varies very little from that provided in 1917-18. I should like however to mention that we have already 40 Circle officers, and that provision has been made for the appointment of a few more officers at selected centres. The completion of the whole scheme, however, as recommended to Government, must necessarily take time.

"In the case of the Forest Department, there has been an increase in the receipts owing to the supply of a large quantity of sleepers and timber for the Munitions Board, with the result that the gross revenue which we expect to realise during the current year is 15 lakhs against the sanctioned estimate of 13 lakhs. This demand for timber is expected to continue next year; and we have accordingly estimated a revenue of 16 lakhs. On the expenditure side, the current year's estimate has been exceeded by Rs. 78,000, owing to additional grants sanctioned for departmental operations for the supply of timber. The estimate of expenditure for 1918-19 is seven and a half lakhs. This provides for the departmental supply of timber for war purposes and for the sowing and plantation in connection with the artificial regeneration of *sal*."

"The variations in the receipt side of the head "Agriculture" are due to the normal growth of revenue. On the expenditure side, there is a proposed extension of over 2½ lakhs, in comparison with the current year's estimate of 11½ lakhs. The estimate of over 14 lakhs for next year includes a provision of one lakh for the distribution of improved varieties of jute and paddy seed in the Presidency. As explained in the Financial Statement, this scheme is of special importance and great interest attaches to it. Provision has also been made in next year's budget for strengthening the controlling and inspecting staff required for supervision, inspection and audit of the growing number of co-operative societies in the Presidency."

"The revised estimate of receipts under the head "Scientific and Miscellaneous Departments" for the current year shows a huge increase of Rs. 18,22,000 over the sanctioned estimate. The increase is due to unusually large sales of quinine including a special sale of 30,000 lbs. to the Army for the Eastern Mediterranean Field Force. The estimate of revenue for next year is Rs. 19,09,000 which provides for increased receipts from cinchona plantations and from fees for registering Joint Stock Companies.

The great demand for quinine has resulted in a serious depletion of the reserve built up by this Government just before the outbreak of war; and in order to increase the supply and meet the growing demand, it has been found necessary to replenish the reserve and to extend the existing plantations and increase the output. This explains the increase of Rs. 1,27,000 in the revised estimate of expenditure for the current year as well as the provision of Rs. 11,98,000 for the purchase of Java quinine in the estimate for

The Amended Draft Financial Statement.

Mr. Donald.

1918-19. The budget for next year also includes provision for the appointment of a Director of Industries, which was sanctioned in October 1917; also for his office and for grants totalling one and half lakh for the development of industries in the Presidency.

"I also beg to introduce the head of Ports and Pilotage which are under the Marine Department. Under this head the shrinkage both in receipts and expenditure on account of the war still continues. In framing an estimate of the cost of the Pilot Establishment in 1918-19, an increase over the revised estimate of the current year has been allowed.

The contribution of 1½ lakhs to the Chittagong Port which is included under the head "Miscellaneous" requires an explanation. Last year the Member in charge stated that the grant then made would be the last in accordance with the five years' arrangement which terminated in 1917-18. In view, however, of the unsatisfactory financial conditions of that port, Government have decided to continue the contribution until the end of the war."

LIST OF BUSINESS—ITEM No. 3.

The Hon'ble MR. DONALD introduced the following heads :—

1—REFUNDS AND DRAWBACKS.

6—STAMPS.

XII—INTEREST.

XXII AND 29—SUPERANNUATION.

He said :—

"As regards these heads I have nothing to add to what is contained in the Financial Statement."

V—EXCISE.

7—EXCISE.

"As regards excise the actual receipts in 1916-17 amounted to Rs. 1,44,44,229 against Rs. 1,45,00,000, anticipated last year. The receipts in February and March 1917 were below expectations. The budget estimate for the current year is Rs. 1,46,00,000, but during the first ten months there has been a gradual increase almost every month, and collections are already rupees ten lakhs over those of the corresponding period of last year. We anticipate that at the close of the year the total collections will be Rs. 155 lakhs. The consumption of country spirit is going up, as the following figures show. For the first ten months of 1914-15 the consumption amounted to 594,106 gallons, for the same period of 1915-16 to 533,287 gallons, of 1916-17 to 510,684 gallons and of the current year to 570,325 gallons.

This increase is the result of the enforcement of better control over the country spirit trade, particularly in Calcutta; on two occasions during the year steps were taken to check the increase by the imposition of higher duties. The consumption is still less than that of 1914-15. Opium and *ganja* consumption on the other hand continues to decrease. Taking the figures for ten months the issues of *ganja* in 1914-15 were 92,018 seers, in 1915-16, 73,298 seers, in 1916-17, 71,193 seers, and in 1917-18, 67,948 seers, while the consumption of opium in 1914-15 amounted to 52,823 seers, in 1915-16, 43,479 seers, in 1916-17, 38,114 seers, and in the present year, 36,832 seers. The treasury price of opium will be raised on the 1st April from Rs. 40 to Rs. 50 per seer, and the estimate of gain on sale proceeds of excise opium has been placed at Rs. 15,80,000 for 1918-19. After the large increase in the current year we do not expect any great rise next year, and the Budget for 1918-19 has been accordingly placed at Rs. 1,60,00,000.

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Mr. Donald.

As to expenditure a full explanation has been given in paragraph 42 of the Financial Statement, and I have nothing to add here."

10.—INCOME TAX.

"As for income-tax expenditure, the work of the Collector of Income-tax has much increased in consequence of the introduction of the new Super-tax Act (Act VIII of 1917), and will be further added to when the new Income-tax Bill becomes law. Provision has been made for increasing the pay and allowance of the Collector, and we shall doubtless have to make certain additions to his establishment."

REVENUE—
XVII—Police.

EXPENDITURE—
20—Police.

"Turning to Police, the receipts exhibit little variation and call for no particular remark.

On the expenditure side Mr. Lyon, in connection with the introduction of the Amended Draft Financial Statement for 1917-18, explained the reasons justifying a larger outlay, which still fell short of the requirements of the Force; but it will be noticed that the revised estimate for 1917-18 shows an appreciable decrease over the Budget figure for that year. Except in so far as this is partly due to transfers to the Public Works Department on account of the execution of works, the saving is rather a matter of the postponement of expenditure than of final economy, but certain schemes have not as yet been put through, and the money allotted to them is, therefore, still in hand. The estimate for 1918-19 stands at Rs. 1,37,85,000, showing an increase of Rs. 3,47,000 over the corresponding figure for the previous year. The details of the charges are set forth in paragraph 50 of the memorandum accompanying the Financial Statement, and several of the heavy items are connected with the enhancement of the pay of the subordinate police, which, I think, is generally admitted on all sides to be necessary. Such items are: Rs. 1,00,000 on account of the pay of constables of the Calcutta Police, Rs. 60,308 in respect of the regrading of district sub-inspectors and head-constables in order to give effect to the sanctioned scale, and Rs. 54,114 for raising the pay of head-constables. The sum of Rs. 1,30,759 has been provided for additions to the ordinary reserves of head-constables and constables; money was allotted for this scheme in the current year, but sanction was not received in time for use to be made of it. Other items of importance which are in continuation of similar provisions during 1917-18 are Rs. 1,26,765 connected with the patrol arrangements on the river Hughli, Rs. 6,75,000 for works in connection with the reorganization of the subordinate police in Eastern Bengal and Rs. 1,48,596 connected with the reorganisation of the river police in the same part of the province. The effects of the war on prices are seen in the additional provision for uniforms of the Calcutta Police (Rs. 10,000) and in the increased expenditure under country stationery (Rs. 21,000). Two large items are for additional temporary force in the Intelligence Branch (Rs. 1,04,308), and for increase in the temporary force of the District Intelligence staff (Rs. 2,13,446), the intention being to strengthen the hands of the district establishments in dealing with Intelligence work, which in some areas has now become of a complexity necessitating the strengthening of the existing staffs. This also is an echo from the Budget of the current year. Connected with the better supervision of Criminal Tribes are the provision of Rs. 10,800 for the Karwal Nat Settlement at Saidpur and of Rs. 31,768 for a special establishment. The appointment of an Additional Superintendent of Police for the district of Faridpur accounts for Rs. 16,992, while there are a number of items connected with the redistribution of heavy charges."

The Amended Draft Financial Statement.

Mr. Donald.

XXIII.—STATIONERY AND PRINTING.

30.—STATIONERY AND PRINTING.

"The estimate of receipts of the Stationery and Printing Departments calls for little comment. The revenue from this source has diminished with the discontinuance of certain publications. On the expenditure side (Revised) there will be a considerable increase of rupees two lakhs over the Budget figure consequent on the high price of paper and stationery, and as rates are not likely to fall we have repeated this enhanced figure in the Budget for the ensuing year. On the other hand, expenditure on the management and contingencies of the Secretariat Press is less. As to this Press we have, as the Council is aware, been compelled to take measures for the construction of a new building. The present accommodation in Writers' Buildings is far from adequate, and the conditions under which the employés work are of an insanitary character and inimical to their health. Land is being acquired on the Bridge Road at Alipore near the Press and Forms Department building, and during the coming year it is proposed to push on with the levelling of the land, the purchase of bricks, and so much of the construction as can be carried on with the provision of Rs. 50,000 that has been made under Civil Works. We are likely to be faced with difficulties regarding some of the necessary materials of construction, and the provision is therefore smaller than would otherwise have been the case."

XXV.—MISCELLANEOUS.

32.—MISCELLANEOUS.

"The Miscellaneous Budget comprises several small items, and detailed figures under receipts are shown on pages 41 and 42 of the Financial Statement. The revised estimate of receipts is Rs. 6,96,000, an increase of Rs. 38,000 on the Budget. This result is chiefly due to the inclusion of fees for the audit of the offices of the Administrator-General and Official Trustees, which were transferred to the control of the Local Government with effect from the 1st October 1917, and also of fees for the audit of accounts of Co-operative Societies.

On the expenditure side the Revised shows a nominal saving of Rs. 7,72,000, which is mainly due to the adjustment under the appropriate heads of charges for grain compensation allowance for which rupees four lakhs was provided in the Budget, and of grants sanctioned by His Excellency from his allotment for petty grants. The provision of rupees two lakhs for unforeseen charges has also been distributed under the proper heads, while the grants made to the Calcutta Hospital Nurses Institution, the Lady Minto Nursing Association, the Lady Canning Home for training nurses are now debited to the head 'Medical.' Against these transfers and adjustments a sum of Rs. 1,45,407 has been debited to this head in order to adjust a sum advanced from Class II of the Loans Budget for the construction of the Mohamaya Sluice. The Budget for 1918-19 amounts to Rs. 9,14,000, and includes rupees two lakhs for general reserve, Rs. 40,000 for petty grants by His Excellency, Rupees 50,000 for gratuitous relief, and rupees four lakhs for grain compensation allowance. The question of raising the pay of the menials of the several departments of Government, both in Calcutta and the mufassal, is still under consideration, and the Government of India are again being addressed on the subject. Owing to the fall in the price of rice it does not now seem likely that the whole of the sum of rupees four lakhs for grain allowance will be required for this purpose, and it is proposed to utilise a portion of the provision in order to give partial effect to the scheme for the enhancement of the pay of menials."

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Lieut.-Col. Buchanan.

LIST OF BUSINESS—ITEM No. 3.

The Hon'ble LIEUT.-COL. BUCHANAN introduced the following heads :—

REVENUE—

XVI B—Jails.

EXPENDITURE—

19 B—Jails.

He said :—

"There is nothing very noticeable in the Jail Budget except in so far as it again reflects the effects of the war. Thus owing to the larger supplies to the Military Department we have an increase on the receipt side, with additions on the expenditure side for the increased purchase of raw materials for manufactures. The enhanced prices of articles of consumption connected with Jail administration, *e.g.*, uniforms and equipment and lighting, account for further expenditure in excess of the normal. On the other hand, with the greater cheapness of grain dietary charges have fallen."

REVENUE—XXA—MEDICAL.

EXPENDITURE—24A—MEDICAL.

"The continuance of the war has stood in the way of several important schemes connected with the Medical administration of the Presidency. The great Tropical School cannot yet be opened, while the construction of the new Eye Hospital must still be deferred. A scheme is under consideration for the construction of an extension of the Tropical School building to provide for an Institute of Hygiene towards which the Indian Research Association has agreed to contribute Rupees one lakh ; it will not, however, be possible to proceed with the construction of the building at the present time. The servants' quarters at the Medical College Hospital are under construction, and the building of quarters for the servants of the Campbell Hospital who are now accommodated in very dilapidated buildings, will shortly commence. The Ranchi Asylum for Europeans will soon be opened, and when the inmates of the Bhowanipore Asylum are moved there it is proposed to construct on the old site an observation hospital for mental cases. A sum of Rs. 2 lakhs has been provided for the purpose in next year's budget.

The Asylum for Indians at Ranchi is now under construction. This Government provided Rs. 1½ lakhs towards the expenditure this year, and a sum of Rs. 6 lakhs will be paid during 1918-19. The construction of the new buildings at the Mitford Hospital, Dacca, is making satisfactory progress.

Two lakhs of the promised contribution to the Belgachia Medical College have already been paid during the current year, and a third lakh will be given before the 31st March. The balance still due—Rs. 1,62,000—has been provided in the budget for payment in 1918-19. Provision has also been made for the annual recurring grant of Rs. 50,000. Other items of new expenditure are shown in paragraph 53 of the Financial Statement. A noticeable item is the provision for additions to the Campbell and Dacca Medical Schools with the object of accommodating a larger number of students. Proposals for an increase in the pay of Sub-Assistant Surgeons are now under the consideration of the Government of India, and the sum of Rs. 55,000 represents the increase that will be thus entailed."

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Mr. Cowley.

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble MR. COWLEY introduced the heads :—

REVENUE—

XXIX—Irrigation—Major Works.

EXPENDITURE—

42—Irrigation—Major Works (Working Expenses).

REVENUE—

XXX—Minor Works and Navigation.

EXPENDITURE—

43—Minor Works and Navigation.

REVENUE—

XXXI—Civil Works in charge of the Public Works Department.

EXPENDITURE—

45—Civil Works in charge of the Public Works Department.

He said :—

Sir, I have the honour to introduce for the consideration of Council the Public Works heads of the Budget entitled "Irrigation Major Works, XXIX—Receipts and 42—Expenditure and Minor Works and Navigation, XXX—Receipts and 43—Expenditure."

The Major Works with which we have to deal in this Presidency are the Midnapur and Hijili Tidal Canals. In regard to these I have nothing to add to the statements which have been made under this head in paragraphs 33 and 61 of the amended draft financial statement.

In regard to "Minor Works and Navigation" which is more important in its effect upon the Provincial revenues, the chief sources of revenue are the tolls received from navigation on the Calcutta canals, the Sundarbans route and the Madaripur Bhil route which together form the navigable route for boats and inland steamers between Calcutta and Eastern Bengal. In this respect I have nothing to add to the statements made in paragraph 34 of the Amended Draft Financial Statement.

The current year's revised estimate of expenditure under "43—Minor Works and Navigation" has been raised from Rs. 22,41,000 to Rs. 22,89,000 on account of the additional grant sanctioned for the anti-malarial scheme in connection with the flooding of the Banka Valley area in the district of Burdwan. The Budget estimate for 1918-19 is for Rs. 27,00,000. This increase is chiefly due to the provision for certain important works as detailed in paragraph 63 of the Amended Draft Financial Statement. In regard to the current year's Revised and next year's Budget estimate of expenditure under this head I may state that in both years a provision of

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Mr. Donald.

Rs. 2,50,000 has been made for works in connection with mitigating the effects of floods in the Burdwan Division. I may also state that a sum of Rs. 3,00,000 has been provided in the Budget estimate of expenditure for next year for the acquisition of land and works in connection with the creation of a spill from the Bidyadhari river in order, it is hoped, to improve that river and thus improve the outfall of the Calcutta drainage system.

In connection with the Damodar Reservoir Scheme the services of an officer with up-to-date experience in the preparation of such projects have been placed at the disposal of this Government by the Government of India and a sum of Rs. 20,000 has been provided in the next year's Budget estimate for expenditure on preliminary works in that connection. The Damodar Canal project which has been prepared with the object of irrigation in the district of Burdwan, and improvement of the sanitary conditions in the districts of Burdwan, Hooghly and Howrah is now being revised in accordance with the wishes of the Government of India and it is hoped that the project will be submitted to the Government of India for sanction in the course of the next year. It is proposed to treat this work as a minor work for which both Capital and Revenue accounts are kept.

I have also to introduce for the consideration of the Council the Budget for *Civil Works in charge of the Public Works Department.*

I have nothing to add to the statements which have been made under this head on pages 3, 13, 28 and 29 of the Amended Draft Financial Statement.

Paragraph 64, on pages 28 and 29, deals with the expenditure in this and the coming year. The decrease of Rs. 50,000 under Establishment in the Revised Budget of Expenditure for this year is due to an increase in the receipts from the Government of India as contribution towards the establishment employed on Imperial Works. The increase of Rs. 2,55,000 under Repairs is due partly to the normal increase in the number of roads and buildings to be maintained, but mainly to the fact that during the past three years many repair items had to be postponed on account of the financial stringency resulting from the war.

For the coming year after providing for Establishment and Repairs and for the completion of works which will be in progress on the 1st April there is a sum of Rs. 25,30,000 left for new Minor and Major Works, the distribution of which is shown on pages 28 and 29 of the statement.

The Hon'ble MR. DONALD said :—

"Although the funds for the partition of districts are provided in the Public Works budget the Political Department is concerned with the question, and a brief statement of the present position may therefore be made on its behalf. The sums provided on this account are for Midnapore Rs. 6,64,000 and for Mymensingh Rs. 6,50,000. These are two of the items in respect of which we have been allowed to draw on our balances, and the Council has before this discussed the merits of the proposals. The Secretary of State has now approved of the principle on which the division of Midnapore is contemplated, and has allowed preliminary arrangements for brick burning to proceed, while final orders as to details are expected shortly. The estimates of the Mymensingh project are in an advanced stage, and will, it is anticipated, be submitted to the Government of India shortly. It is hoped, therefore, to make some progress during the year with these long deferred schemes.

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Mr. Wordsworth.

LIST OF BUSINESS—ITEM No. 7.

The Hon'ble MR. WORDSWORTH said :—

"SIR, I have the honour to introduce for the consideration of the Council the Budget heads of—

XIX.—Education—*Receipts.*
22.—Education—*Expenditure.*

Receipts.—On the receipts side of the Budget there is little to observe except that the upward tendency of receipts noticeable in the preceding Budgets has been maintained. The following figures explain the situation :—

				Rs.
1914-15	...	Actuals	...	... 8,47,110
1915-16	...	Do.	...	... 8,86,574
1916-17	...	Do.	...	... 9,47,392
1917-18	...	Revised	...	... 9,40,000
1918-19	...	Budget	...	... 9,79,000

Although the "Revised" figure for 1917-18 has been put at Rs. 9,40,000 it is expected that the actuals for the year will be in the neighbourhood of Rs. 9,50,000.

Expenditure.—There was a steady growth in educational expenditure up to the year 1914-15, when normal expansion was arrested by circumstances due to the war. The figures of expenditure for the years 1915-16 and 1916-17 showed a decline, but the revised Budget for the current year and the estimate for next year give indications of increase as will appear from the following figures :—

				Rs.
1912-13	...	Actuals	...	... 73,76,829
1913-14	...	Do.	...	... 81,12,515
1914-15	...	Do.	...	... 92,07,022
1915-16	...	Do.	...	... 84,83,414
1916-17	...	Do.	...	... 76,87,152
1917-18	...	Revised	...	... 81,14,000
1918-19	...	Budget	...	... 1,03,01,000*

I should explain in this connexion that the various Imperial grants which have hitherto appeared in the Budget as lump provisions are distributed in the Budget for the next financial year under the several detailed heads of charges. Certain balances which have not been formally allocated to definite objects of expenditure are shown in lump.

The Budget which I introduce to the Council has been framed on strict lines and contains little of special note. Its outstanding features are explained in the Financial Statement before us, the items of new expenditure included in it being shown on pages 6, 21, 92 and 93 of that Statement. It is not necessary to repeat them. I wish, however, to add a few words in explanation of the following items :—

1. Starting of two hostels in the old Secretariat Building at Dacca—one for Hindus and the other for Muhammadans ... ... Rs. 16,500

There is a hostel attached to the Dacca College. But as this is not large enough to accommodate all the students seeking accommodation in the college hostel many students were hitherto accommodated in messes instituted in the town under the Dacca Mess Scheme. As a more satisfactory arrangement a section of the old Secretariat building at Dacca has been adapted and is now used for hostel purposes. The recurring charges in connexion with this arrangement amounts to Rs. 16,500.

2. Appointment of an additional Professor of English, Hooghly College ... ... Rs. 2,400

An increase in the number of students in the 1st and 2nd year classes of the College has made the present arrangements for the teaching of English inadequate. The cost of the appointment of an additional Professor of English has accordingly been provided for.

* This figure includes the recurring assignment just notified of 6½ lakhs from Imperial Revenues for the improvement of primary education.

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Rai Priya Nath Mukherji Bahadur.

3. A sum of Rs. 3,39,000 has been provided under "Grants-in-aid" for Calcutta hostels. This sum, the details of which were given by Mr. Hornell while introducing the Budget for the current year, was not spent during 1917-18, and it is necessary to repeat the provision; Rs. 1,89,000 of which will be utilized in completing the Calcutta hostels project and the balance for the improvement of the accommodation for the Bethune College.

4. The notification of 5½ lakhs recurring grant from Imperial sources for primary education has been received too recently to permit me to indicate in detail the directions in which it will be utilised. As soon as the necessary instructions are received from the Government of India schemes for the utilisation of the grant will be drawn up.

LIST OF BUSINESS—ITEM No. 8.

The Hon'ble RAI PRIYA NATH MUKHERJI BAHADUR introduced the following heads:—

REVENUE—X—REGISTRATION.

EXPENDITURE—12—REGISTRATION.

He said:—

"SIR, I have the honour to introduce the heads of revenue and expenditure of the Registration Department.

The sanctioned estimate of receipts for the current year was Rs. 22,00,000. In the light of the average for the nine months this estimate has had to be revised and it is now anticipated to be Rs. 19,60,000. This defect is due to a fall in the number of registrations by about 10 per cent. The year has been one of bumper crops, but the price of jute has been unusually low and owing to want of freight rice could not be exported and is a drug on the market. On the other hand, there has been a large rise in the price of many necessaries of life, specially in cloth and other imported goods. All these have contributed to make money scarce. The result is that creditors have found realization difficult and investment has been restricted. Also, agriculturists having plenty of cheap food were placed above the necessity of borrowing or selling off their lands. These factors have combined to keep down the number of registrations. The condition of things is rather abnormal and it is difficult to draw any conclusions on the basis of past years when it was found that both prosperity and adversity contributed towards increase in registrations. To be on the safe side, we have estimated the receipts for the next year on the supposition that the present conditions might continue and we have accordingly put it down at Rs. 19,60,000.

On the expenditure side, the estimate provides for Rs. 11,57,000. The sanctioned estimate for the present year is Rs. 11,36,000 and the revised estimate on the basis of actuals is Rs. 11,60,000. The increase of Rs. 24,000, or about 2 per cent. is due to larger expenditure on various services, such as temporary copying establishments, establishments for experimental and temporary offices opened to serve public convenience, increased contingent expenditure for the equipment of offices and renovation and rebinding of valuable books and registers, increase in travelling allowances on account of more frequent and necessary inspections and rearrangement of the cadre in accordance with the present scale. This is a growing department and its needs are many. The estimate for the next year has been put down at Rs. 11,54,000, as Rs. 3,000 for grain compensation has been excluded, having been shown under head "Miscellaneous."

Owing to the war we have had again to keep in abeyance various schemes for the permanent improvement of the Department. The proposal for the revision of the cadre which will greatly benefit the officers is now before the Secretary of State. The long deferred scheme for the revision of the ministerial establishment in the district headquarters and mofussil offices which has been sanctioned by the Secretary of State cannot be given effect to for want of funds. We have had to cut down expenditure to the irreducible minimum for carrying on the current work of the Department, and it is a matter of regret that several much needed improvements have inevitably to be postponed."

RESOLUTIONS.

(Under the rules for the discussion of matters of general public interest.)

LIST OF BUSINESS—ITEM No. 9.

The PRESIDENT (SIR HENRY WHEELER) said :—

"The Hon'ble Mover of this resolution does not appear to be here. The resolution therefore fails unless any other non-official member desires to move it on his behalf."

The HON'BLE MAULVI ABUL KASEM, in the absence of the Hon'ble Maulvi Fazl-ul Haq, moved the following resolution :—

This Council recommends to the Governor in Council that the special tribunals constituted under the Defence of India (Criminal Law Amendment) Act, 1915, for the trial of persons accused of being concerned in the recent disturbances of *looting* in *hâts* and bazars be dissolved, and that the trial of such persons be held under the ordinary law.

He said :—

"Sir, the object of moving this resolution is that on the ground of economy, expediency and justice it is desirable that the accused in the *hât-looting* cases should be tried by ordinary courts and *not* by special tribunals. It is also admitted by the Government that these *hât-looting* cases have arisen out of economic conditions prevailing in the country and that the accused in these cases are not habitual criminals, nor are they guilty of heinous offences. We have been induced to move this resolution also on the ground that that these tribunals have not given satisfaction to the public, and on account of the monstrously heavy sentences passed by some of these tribunals. Any ordinary courts in dealing with cases like these would remember that there is a right of appeal and they would therefore decide the cases accordingly, and with a fear that there is an Appellate Court. But these tribunals are immune from all these difficulties and have passed as heavy sentences as they liked on the convicted people without much consideration. The public impression is that these tribunals want to finish the work as best they can and the sentences they have passed have not given public satisfaction. Nobody denies that the people concerned in these cases should not be dealt with summarily and punished; but they should not be treated as hardened criminals nor should the sentences be very heavy. This is not a new occurrence in Bengal. In 1906-07 such cases of rioting happened in several parts of the Mymensingh and Barisal districts, and the accused were as large in number as those concerned in the present cases. They were tried by the ordinary courts and the punishments meted out to them were very reasonable and in a very few cases there was an appeal. Such cases also happened in Midnapore and in the 24-Parganas; and we do not understand why it is necessary to have special tribunals at heavy expense for the purpose of trying these cases. The people can understand that in cases like these several innocent people are concerned. When there has been a riot some people will be summarily tried and some innocent people may be implicated in such cases—there is no help for that. What we object to is the wholesale constitution of these tribunals. It is true that non-official Indians are on these tribunals but the choice lies with the executive [illegible].

Resolutions.

Rai Mohendra Chandra Mitra Bahadur.

I am sorry to say that the *personnel* of these tribunals has not given satisfaction and we demand that these accused persons be tried by the ordinary courts. With these few words I commend this resolution to the acceptance of this Council."

(At this stage, the Hon'ble SIR S. P. SINHA took the Chair).

The Hon'ble RAI MOHENDRA CHANDRA MITRA BAHADUR said :—

"Sir, I have to submit a few observations in connection with the resolution. The Hon'ble Mover wishes that the special tribunals constituted for the trial of offenders under the provisions of the Defence of India Act, 1915, in *hât-looting* cases be dissolved. There are certain admitted facts which come to my mind. The poor cultivators have been put to distressed circumstances, owing to abnormally high prices of food stuffs, cloth and other necessaries of life. They cannot purchase a pair of *dhootis* with the sale-proceeds of a maund of paddy or jute. There is no proper supply of articles, although the demand is heavy. On the 19th December last I moved the Council to devise means to relieve the distressed condition of the jute cultivators. I then stated : 'Every morning we get disquieting news of *looting* in the Muffassal bazars. I have heard of proclamations issued by Mr. F. A. Sachse, District Magistrate, Noakhali, in which to preclude the possibility of *looting* in the bazars he has penalised the holding of the *hât* after 3 P.M., he has openly admitted that as long as the war continues prices will remain high and there is chance of *looting* recurring in the bazars. And as it is impossible to station armed police in all bazars he ordered, under section 144 of the Civil Procedure Code, the closing of all bazars at 3 P.M.' This, Sir, is a serious state of affairs and I am sure it is receiving that consideration from Your Excellency's Government which it demands. But I must say that though our police may be powerful enough to restore tranquility in disturbed areas, they will not be able to eradicate the possibility of the recurrence of disturbances as long as they have to deal with that dangerous element—a poor peasantry armed with hunger and exasperated. Not only should the poor peasants be relieved of their present distress but steps should also be taken to induce them not to give up cultivation of jute in despair.' This is the sad picture which I then presented to the Council and it is now known that special tribunals have been established for trying the alleged offenders. I read in the *Statesman* of the 28th of February last that *hât-looting* cases were dealt with in the ordinary criminal court in the district of the 24-Parganas, and that the offenders were punished with imprisonment of a few months. In Bombay, ordinary criminal courts meted out the punishment to the offenders. Now the question raised by the Hon'ble Mover is of grave importance. Have the Government exercised sound discretion in constituting special tribunals to try the offenders. Do the *hât-looting* cases present to us facts which necessitated special measures to secure public safety and the defence of British India? Was it necessary in such cases for the local Government to direct an order under section 3 of the Act ? No one can question the absolute authority given to Government for the appointment of the Commissioners to try such offences. But have the Government properly exercised their jurisdiction in a sound manner, in divesting the ordinary criminal court to try offenders in *hât-looting* cases ? The growing popular feeling is that the administration of the ordinary law may be sufficient to check these disturbances in *hâts* and bazars. The public naturally consider that the ordinary criminal courts can try such offenders. The commission of offences of dacoity, murder, robbery, rioting, theft, etc., may be tried in ordinary courts. Public tranquility may be maintained by the ordinary and speedy procedure laid down in the Code of Criminal Procedure. The *hât-looting* cases cannot be viewed as assuming a political significance so as to threaten the safety and tranquility of the British Empire.

Resolutions.

Babu Kishori Mohan Chaudhuri; Sir Henry Wheeler.

We all condemn the political organizations the object of which is to spread anarchism, but we are at a loss to know why criminal cases of ordinary kind are only to be tried by special tribunals; the offenders when so tried, loose the right of appeal. This procedure is very alarming to the public mind and the public have a right to ask the Government to disolve the special tribunals and to drift the course of law to run smoothly in an ordinary way. The special tribunals are to be constituted when the ordinary criminal courts are not in a position to punish the offenders brought before them. If there be a departure from the procedure laid down in the Code of the Criminal Procedure, it is open to the public to come forward and criticise the action of Government. As long as the Defence of India Act is in the Statute Book, every loyal citizen should and must submit to it; but, Sir, if there be no necessity or even if there is doubtful necessity the Defence of India Act should not be resorted to for the trial of such offenders. I respectfully submit that there is an obligation upon Government to act upon the reasonable criticisms submitted to them by the people of the country. We are bound to reason with Government and point out their errors. There is a growing feeling of a large section of the community against C. I. D. officers, against the police whose unpopularity is immense. The police is a powerful agency on behalf of Government. Their action is watched with anxiety. Unpardonable errors are committed by them as in the case of the Sindoobalas. It is our anxious desire--our humble request to Government that they should constitute special tribunals not on police versions but upon enquiries made by responsible gazetted officers other than those whose over-zeal and high-handedness create discontent among the people and make them unhappy. In this view with all respect to those who had to report to Government to constitute such tribunals I feel it my duty to support the resolution of the Hon'ble Mover."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said:—

"Sir, I think the resolution should be accepted. These *hât-looting* cases have nothing to do with the political crimes. They generally arose out of the economic pressure exerted by the unthinking poor and uneducated mobs. The very fact that these cases occurred in broad day light in *hâts* and bazars, show that they could not have been premeditated; on a sudden impulse the unthinking and uneducated mobs committed these acts of lawlessness. Of course, it is not unlikely that the low class bad characters took advantage of these occurrences and aggravated the seriousness of the situation. The police investigations in such cases are far from satisfactory. There are reasons to believe that in some cases probably from interested motives the real culprits are not either traced or are let off and the innocent bystanders are sent up in order to make some persons the scapegoats. For these reasons, it is very reasonable that in the trial of these cases—though the question of identification in the actual participation in the act of *looting* is a very simple one—still it is very desirable that the police investigation should be conducted with a full sense of responsibility and with a view that the defence should get all the advantages of ordinary trials. Of course, in jury districts they will get the benefit of the verdict of the jury; the local people are likely to know more about the nature of the thing and they should get the advantage of an appeal to the higher courts. For these reasons, I think the proposal should be accepted and there is no reason why the ordinary law courts should not be competent to deal with these cases. With these few words, I heartily support this resolution."

The Hon'ble SIR HENRY WHEELER said:—

"Sir, in opposing this resolution, I should like to remind the Council of the situation with which we were faced towards the end of last, and the

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beginning of the present, year, and while explaining the reasons why these special tribunals were created, to disabuse some Hon'ble Members of the idea that in adopting this procedure we were making a use of the Defence of India Act to which those who passed that Act did not intend that it should be put. As will be fresh in the minds of all of us, towards the end of last year and, I think, extending also into 1918, there occurred in certain districts of the province, beginning originally in Noakhali and Chittagong, a series of cases in which mobs *looted hâts* and bazars, took away articles from the shops, and assaulted the shopkeepers and in some cases also the police. The total number of such occurrences was 148; they extended to all the divisions of the province—being 38 in the Presidency Division, 15 in the Burdwan, 28 in the Dacca Division, 16 in the Chittagong and 51 in the Rajshahi Division. The example that was set, at first in a more or less local corner, spread to other districts with the results which I have just mentioned. And I think it will also be remembered that the papers at that time were full of appeals to Government to restore law and order and to prevent the interference with the peaceful life of citizens and shopkeepers. That is the situation which arose, at a time when this country, along with the rest of the Empire, was engaged in this deadly war. It was a situation which had a direct bearing on the war. To the best of our ability we tried to quell the disturbances with the men at our disposal; but had they extended over a wider areas, it would have been inevitably necessary to call in aid from outside, which would have directly affected the military arrangements of the Government of India.

That being the situation, what were the requirements to meet it? In the first place. I submit, the primary requirement was the speedy restoration of law and order. It was the fundamental duty of Government not to run the risk of these disturbances spreading throughout Bengal, and from Bengal possibly to other provinces. The restoration of law and order was effected by bringing in police from outside, thus necessarily depleting the police in other districts, and by the arrest of offenders and the investigation of cases as quickly as possible: for that purpose, too, special officers were brought in from outside; when these cases were instituted, the second requirement was their speedy disposal, both in order that people might realise that punishment would follow quickly upon their offences, and to allay feeling among the people themselves, because, undoubtedly, there was a tendency in some places for these occurrences to have engendered a certain amount of friction among different communities. Another reason for expedition was in order that our depleted staffs and over-worked officers might not have their energies entirely absorbed in the disposal of these cases. Fortunately the cases ceased; but had they gone on it would have been most detrimental to the administration if our police and magistrates had found their hands absolutely full and been unable to cope with new occurrences.

Such being the situation, and the requirements of the situation as I view them, I may explain to the Council the action we took. In the majority of instances the disposal of these cases has been left to the ordinary courts. Even in districts where special tribunals have been created, it is only the more serious cases which have been made over to the special tribunals. As an instance, in the district of Rangpur, I find that out of 20 cases only 7 have been made over to the special tribunal, and it is inevitable that this should be so, since the only cases that are triable by the special tribunals are those falling under sections 395 and 412 of the Indian Penal Code. Obviously, therefore, any charges that do not come within these sections cannot be tried by the special tribunals. We, did not, moreover, set up tribunals everywhere, and as a matter of fact, they were appointed only in the districts of Chittagong, Noakhali, Rangpur, Dinajpur, Jessore and Khulna. In these six districts there were for disposal [illegible] cases with 1,838 accused—thus bearing out the contention that, but

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for the adoption of this special procedure, these cases, involving many accused persons, might have dragged on for an inordinate time. Of these cases 8, involving 258 accused, have been disposed of ; 24, involving 915 accused, are pending, and 4, involving 165 accused, are put down as likely to be brought before the tribunals.

It is not my purpose to defend the *personnel* of these tribunals, and I should regard my doing so as improper as attacks upon them in this Council ; but since the point has been touched upon by one Hon'ble Member I will merely draw attention to what the constitution of the tribunals has been. In the Chittagong district the members serving upon the tribunal are the District and Sessions Judge, a deputy magistrate, an honorary magistrate and a landholder and merchant ; in Noakhali, the District and Sessions Judge, a pleader and the Vice-Chairman of the District Board ; in Rangpur the District and Sessions Judge, a pleader and a deputy magistrate, in Dinajpur the District and Sessions Judge, a pleader and a deputy magistrate ; in Jessore and Khulna the District and Sessions Judge, a retired Presidency magistrate and a pleader. So far as possible, an attempt has been made to have on the tribunals both a Hindu and a Muhammadan. I am content to leave the matter at that.

That being what we have done and the reason why we have done it, I would now only touch upon the last point, namely, the idea that we have misused the Defence of India Act in appointing these tribunals. That can best be tested by a reference to the discussion in the Imperial Council at the time when the Defence of India Act was passed. I shall be able to show that the situation which arose here was described almost *verbatim* by Sir R. Craddock in the course of his speeches on the Bill as a contigency against which the Act was directed. In dealing with the special procedure provided for in the Act, he pointed out the extreme necessity at a time of war of maintaining the public peace, and after dealing with two contingencies with which we are not now concerned, he referred to a third. With your permission, Sir, I would like to quote his remarks on this point, as they have a very direct bearing upon the present situation :—

Thirdly, we come to a class of disorder which has characterised recent disturbances in the Western Punjab. This is of a different kind and has no definite political object when it starts ;—it is simply lawlessness, partly induced by economic unrest. Men break out against the restraints of the law to plunder their weaker neighbours and if this lawlessness is unchecked it soon assumes the aspect of rebellion against all constituted authority, or it may take on the complexion of racial or religious rioting. In some of the Western Punjab districts, indeed, it is rapidly becoming a movement among lawless Muhammadans, under the stress or pretext of high prices, to *loot* and plunder their Hindu neighbours, to wreck the shops and houses of *banias* and burn their bonds and books. Violent mobs of this kind rapidly swell in numbers ; any success draws in fresh adherents or produces imitators, and the danger may become a very serious one if it is not effectively dealt with at the very start.

These words most aptly represent the state of affairs with which this Government was faced during the period I have mentioned, and that being so, and it being the clearest duty of Government to maintain order in the province in these times of stress, I maintain that we were absolutely justified in these circumstances in ensuring the prompt disposal of these cases by adopting the special means which the Act places at our disposal. I cannot, therefore, accept the resolution on behalf of Government."

The Hon'ble MAULVI ABUL KASEM said :—

"Sir, we are thankful to the Hon'ble Sir Henry Wheeler for the statement he has made, but I am sorry to say that I fail to understand why it is necessary for the speedy restoration of peace and order that these cases should be tried by special tribunals. The Hon'ble Member-in-charge himself admits that special tribunals have not been formed in all the districts of

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Bengal and even where they have been formed, all the cases have not been made over to them for disposal. As I began by saying and as the resolution itself says—we want especially in the serious cases that the accused should have the right of appeal against the decision of the first court of justice ; and what is more we desire that the Court passing the judgment and sentence should have an idea that their judgments are subject to appeal and that will be moral check on their judgments. That is the reason why we have taken the opportunity of moving this resolution. Nobody denies that it was absolutely necessary to restore peace and order and prevent a recurrence of these things and the Government was certainly appealed to on that behalf and we still have the opinion that if there be a recurrence of such lawlessness, speedy measures should be adopted to check the spread of these cases. It is true that peace and order had to be restored by the police but not by a prompt and speedy trial of the offences. These offences could have been tried at a much less cost by the ordinary courts than by these special tribunals, and, I think, more speedily with this advantage, that in case of their being tried by a magistrate there would have been an appeal. With due deference to the Hon'ble Member-in-charge, I would submit that there is no foundation for the statement that these *hât-looting* cases were due to any difference of feeling between the two communities : there was absolutely no such feeling at the time when these cases occurred."

The Hon'ble SIR HENRY WHEELER said :—

" The Hon'ble Member is misrepresenting what I said. I never stated that these occurrences had been caused by ill-feeling between different communities, but that in the course of them there was a danger of ill-feeling between the different communities developing."

The Hon'ble MAULVI ABUL KASEM, continuing, said :—

" Sir, I have found from certain statements made in the vernacular Press that an attempt was made to make out that these *hât-looting* cases were due to racial feeling between the Hindus and Muhammadans, but from enquiries made, both by officials and by non-officials, we have found that there is absolutely no foundation for such a statement. I think the Press have corrected this statement. These disturbances were entirely due to economic conditions, and these rustic people, rightly or wrongly, believed that the prices of some articles were raised for the advantage and aggrandisement of the dealers of those articles and the people wanted to have revenge on them. It was certainly unlawful on their part to do so, and what we wanted was that those people should be tried by the ordinary courts and reasonable sentences be passed on them. I understand that in one case about 20 to 25 persons have been sentenced to hea y sentences of 7 to 8 years' rigorous imprisonment. These are surely sentences which should be passed on hardened criminals. For these reasons, I submit, Sir, that this resolution should be accepted by this Council."

The motion was then put and lost.

At the instance of the President Item No. 11 was taken up for discussion before Item No. 10.

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble MAULVI ABUL KASEM, in the absence of Maulvi A. K. Fazl-ul Haq, moved the following resolution :—

This Council recommends to the Governor in Council that a gazetted officer (not being a police officer) be specially deputed to make full and

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detailed inquiries into all cases of alleged oppression committed by the police in connection with the recent disturbances of *looting* in *hâts* and bazars.

He said—

"Sir, in moving this resolution I only make mention that rightly or wrongly there is an impression in the public mind that the police have taken advantage of the *hât-looting* cases in going over to villages and extorting money from the villagers and submitting them to all sorts of torture. Allegations have been made both in the Press and by various bodies of people against this sort of thing and in justice to the police themselves and for the good name of the Government, I think the Government ought to accept this resolution and hold an inquiry, entirely independent of police agency, to find out whether there is any truth in these allegations or not, but allegations have been persistently made with a good deal of vehemence by people residing in those parts of the country where these cases have occurred. It has been alleged, *first*, that *hâts* were *looted* and, *secondly*, that villages were *looted* in their turn. In justice to the police officers themselves I see no reason why an enquiry should not be directed. Efficiency of the police itself demands that an enquiry should be made, and I hope Government will be pleased to accept this resolution and hold an enquiry. Even in this case I do not ask for a non-official enquiry but an official enquiry which is not a police one."

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI said—

"Sir, in supporting this resolution I take this opportunity of saying that every one knows that after some disturbance the police do take the opportunity of realising something from the people of the locality. Sometimes the police themselves create the trouble solely for the purpose of squeezing out money from the accused. Sir, in the district of Rangpur, I know it personally, that the police from one village have been able to take a great amount of money from the villagers as bribe. When I put this before the District Magistrate and told him about it I heard that he held an enquiry or rather had the enquiry held by some body and the report was that no allegations were made out. In this resolution it is urged that a gazetted officer, not being a police officer, be especially deputed to enquire into these allegations. With regard to this matter I would only make this observation that when an officer goes to a village to enquire into cases of this sort he is always surrounded by the police who try always to keep out the people coming near the gazetted officer. If the gazetted officer goes to the village without a police officer with him and tries to take the help of the people of the locality there, then I think this enquiry will be helpful; otherwise what is the good of sending some body of the police force to enquire into these cases as the villagers themselves will be afraid to come forward to substantiate the allegation they make against the police. With these few words I heartily support this resolution."

The Hon'ble DR. DEBA PROSAD SARBADHIKARI said :—

"Sir, I rise to support this resolution. On the occasion of my recent visit to Rangpur I found the feeling there to be very strong in connection with these cases, and I certainly think that for the good name of the police and of the Government a thorough investigation is required. There is not the least doubt that public feeling in some of the districts is very high."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, I would, first of all, put it to the Council that the particular proposal contained in the resolution cannot, in any circumstances, be the best means of arriving at the object in view. It proposes the deputation of

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a special gazetted officer to make a detailed enquiry in all the areas in which allegations against the police may have been made in connection with these *hât-looting* cases. I have just told the Council the number and extent of these cases, and I can see no advantage in superseding the ordinary staff on whom such enquiries would ordinarily devolve in favour, at this late day, of one special officer who will have to tour round all the districts concerned and endeavour to ascertain facts which, as I shall show later, have already been investigated.

The importance of prompt enquiry into any allegations of misconduct on the part of police is not one which is in any way new to Government; it has long been realised and it is provided for in the rules. The rules of the Police Manual require the immediate report of any such serious allegations to the Superintendent of Police, and through him to the District Magistrate; while on receipt of that information it is the duty of the District Magistrate to consider whether he should order a magisterial enquiry in lieu of the departmental enquiry, which the Superintendent of Police (in the absence of the District Magistrate) should always institute of his own motion, or whether he should instruct a magistrate to co-operate with the Superintendent of Police or the Subdivisional Police officer in the enquiry. There is a specific direction, therefore, drawing the attention of all our officers to the importance of this matter and impressing on them the expediency of enquiry by extra departmental agency in serious cases. The particular matter of allegations against the police in *hât-looting* cases is not, of course, in itself different from similar allegations made against the police in any other connection, and it would be improper, in my opinion, to attempt to lay down that because allegations are made in connection with *hât-looting* cases, even though these may have been adduced in several districts and have attracted a certain amount of attention, a novel procedure should be adopted which would not be followed otherwise. But, as a matter of fact, in connection with these allegations, we ourselves, over and above the rules, drew the attention of our local officers to the need for enquiry. On seeing certain violent statements made in certain newspapers, which I need not particularise, but of the recklessness of some of which the Council may judge by the *communiqué* which we issued the other day specifically denying the allegation that a number of people had died from ill-treatment, we wrote on the 2nd and 5th February to the officers concerned, pointing out that these complaints were being mooted and that—if there were specific allegations made—they must be enquired into promptly. In one of our letters we even suggested the deputation of a magisterial officer, thus echoing our rules which lay down such a procedure when the charges are serious. Therefore long before this resolution was moved, and in addition to our standing orders governing these matters, we directed an enquiry. In response to these orders enquiries have been made, and I would like to draw the attention of the Council to the reports received, which will give some indication of the action that has been taken and of the present situation.

I referred just now to specific allegations against the police, and our orders were confined to them only. If the charge is that an offence has been committed, it is only fair to the police that persons should come forward and state exactly what has happened. I greatly deprecate statements like 'We do not say it is true, we cannot say whether it is correct or not, but, people are under the impression that horrible offences are being committed,' and so on; nor, to my mind, does it redound to the credit of those who lay charges of that description. However, we ordered enquiries into specific allegations, and the general purport of the replies is as follows :—

From the districts of Rajshahi, Bogra, Jalpaiguri, Dinajpur, Pabna, Jessore, Nadia, Murshidabad, Khulna, Bankura, Birbhum, the Chittagong

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Hill Tracts, Tippera and Dacca we were told that no such specific allegations have been made.

The Commissioner of the Chittagong Division reported that as regards Chittagong he had heard of no such allegations or rumours except the articles in the newspapers. At Noakhali he had seen the Hon'ble Maulvis Fazl-ul Haq and Abul Kasem, who complained to him of this matter, though before their arrival the people had not done so. He asked them to produce evidence, but they declined to do so on the ground that the people were afraid to come forward to give evidence against the police. The Commissioner, however, advised the District Magistrate to make an enquiry, and on the 20th February he reported that the District Magistrate had made an enquiry and was directing the prosecution of a sub-inspector and certain constables and dafadars. From the report of the District Magistrate of the 23rd February, it appears that 58 complaints were the outcome of one case in which a sub-inspector had nearly been beaten to death, and 21 complaints of another. The District Magistrate enquired into matters personally, assisted by a sub-registrar, and, as I have said, certain prosecutions have been the outcome. These cases are presumably now pending, and it would be improper to pronounce any opinion on them.

The District Magistrate of Chittagong reported that the 'allegation that police arrested people indiscriminately appears to be without any foundation as far as this district is concerned.' Neither in the cases that have been instituted before the courts had these allegations been seriously made.

I now turn to the district of Rangpur, to which the Hon'ble Mr. Ashraf Ali Khan Chaudhuri has referred, and I think I can show that the impression he has got that nothing has been done is erroneous. The District Magistrate reports :

'The work of the investigating police officers was carefully supervised by police officers of superior rank and also in most cases by the Subdivisional Officer and District Magistrate himself. Of the 20 cases which occurred in the district 15 were personally looked up by me. As far as I know there has been no allegation by any of the persons arrested in any case that they have been wrongfully arrested at the instance of any zamindar or his *amla*.'

The latter is an accusation that was freely made in some quarters. He then goes on to refer to certain specific cases.

Thus in the Fulbari *looting* case, the Subdivisional Officer reported that the allegation was without foundation. In the Bharatkhali case, regarding which a complaint was made by Mr. Ashraf Ali Khan Chaudhuri, an enquiry was held by the Subdivisional Officer. The charge of wrongful arrest by a railway head-constable was not substantiated. Three other cases which were brought forward broke down, and I understand that one case against a panchayat is still pending. In the Chilmari *looting* case, the enquiry was made by the Subdivisional Officer who was of opinion that the charges brought against the police and tahsildar were false and without foundation, being the outcome of party feeling. The District Magistrate personally visited the spot during the police enquiry and states that 'no complaint was made by any person either against the police or tahsildar.' The District Magistrate is now, however, making a further enquiry into these charges. A particular accusation that a woman had a miscarriage by reason of police ill-treatment was enquired into by the Subdivisional Officer, who found that it was without foundation. The Sunderganj case was investigated by the Subdivisional Officer, a deputy magistrate and also by the District Magistrate. It has been held that an inspector, a sub-inspector

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and a constable are at fault, and a prosecution will be instituted against those persons against whom legal evidence is forthcoming.

I now turn to the district of Bogra in which, in connection with a charge of assault on the police, similar allegations were made; they were enquired into by the Subdivisional Officer and held to be unsubstantiated.

In Malda, 9 petitions were filed against the attachment of movable property; the allegations were generally that the police had attached the properties of absconders which the relatives alleged did not belong to the men who were wanted. These cases were enquired into by a sub-inspector and one complaint of a different character was taken up by the Superintendent of Police.

In the 24-Parganas, there was a complaint made against a chaukidar, which was enquired into by a sub-deputy collector and found to be unsubstantiated.

In Mymensingh there were two petty cases against a dafadar and certain constables; one was enquired into by a deputy superintendent of police and another by a sub-deputy collector.

In Midnapore, there was one case which was enquired into by a deputy magistrate and found to be false.

I think the Council will see, therefore, that under our instructions enquiry has been made into a number of cases. Some of these have been held to break down. Where, however, in the opinion of the enquiring officer there was a *primâ facie* case against any members of the police, we have not hesitated to put them on their trial and the result must be left to the courts. There is no need, therefore, for further enquiry, since Government have already dealt amply with the situation, and I submit that the resolution should not be accepted."

The Hon'ble MAULVI ABUL KASEM said :—

"Sir, although the wording of the resolution is somewhat vague yet it was never in my mind to suggest that a gazetted officer should go round all the district and hold enquiries. What I meant to suggest was that in each district a gazetted officer, not being a police officer, be deputed to make these enquiries. We quite admit that it is wrong to make allegations without giving specific instances, but the difficulty lies not only with the people. Rustic people are always afraid to complain against the police or to say that they have given bribes. There are other reasons too. Having offered bribes they are also guilty, and, *secondly*, they believe that if they give evidence against the police they will be hunted down by the police and may be put to all sorts of trouble on different occasions. So they do not venture to come forward. Reference has been made that these allegations had not been made before we went to see the District Magistrate. The District Magistrate said that he had never heard of any allegation. We told him that nobody had come because they dared not come. They did not venture to complain against the police, and even when a *primâ facie* case to proceed against the police is made out the people do not come forward to give evidence. But there still remains the impression that an enquiry by the Deputy Superintendent of Police or the Superintendent of Police is carried on more with a view to protect the police than to find out the guilty. The impression is there, and I think there are very good grounds for the impression, that whenever any complaint is made against the police, higher officials do not try to find the truth about it, but that they want to see how best they can save their subordinate officers, and that is the reason why the subordinate police is so unpopular with the people.

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I am glad, however, to know that orders have been issued to make these enquiries and I only suggest that these enquiries should be held by gazetted officers, preferably by the District Magistrate, and I see no reason why this resolution cannot be accepted by Government."

The motion was put and lost.

At this stage the Hon'ble SIR HENRY WHEELER again took the chair.

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI in the absence of the Hon'ble MAULVI FAZL-UL HAQ moved the following resolution :—

This Council recommends to the Governor in Council that in the case of trials arising out of the recent disturbances of *looting* in *hâts* and bazars, the defence of all accused persons who are too poor to defend themselves shall be undertaken by Government.

He said :—

"Sir, it is the custom of the British Courts that if there is nobody to defend an accused in a Police Court, the sympathetic Judge always asks junior members of the bar to come and defend him. Sir, we have got instances that in murder cases the Judge asks somebody to defend the accused, perhaps this is generally done. But in other cases there is no such rule as this. In *hât-looting* cases the accused generally go undefended and they have gone undefended in some cases. In *hât-looting* cases the accused are generally poor and they would not have been sent up as accused persons if they were not poor. Why is that? Because they have not been able to get away from the clutches of the police, and that is the reason. As far as I have been able to gather information personally and from others also, I have come to this conclusion that the real offenders have escaped but those who were very poor and those who have been asked by the police to bribe them and have not done so have only been sent up and are being tried by the Courts as accused persons. In Bharatkhali there were something like 92 accused persons and, if I am not far wrong, some women and children were also sent up by the police, but the District Magistrate discharged the women and children, and then later on out of the 92, four were discharged as there was no evidence against them. Out of the remaining 88 only 39 persons have been acquitted as there was no evidence against them. From these facts one can at once see that the poor people, those who are innocent, have been sent up. Therefore there is no harm in accepting this proposal by the Council that the poor people who have really been sent up as accused before the Courts should be defended by pleaders or by vakils. There is a feeling in this country that those people who had been brought before the Courts are really innocent persons and it would do credit to your Government if you show due respect to this feeling. The police know that they are safe whatever they may do, but if that idea grows you cannot depend upon your police, and then what will be the state of the country? With these words I commend this resolution to the Council."

The Hon'ble SIR S. P. SINHA said :—

"I am sorry, Sir, I am unable to accept this resolution on behalf of the Government. In the first place, I could not do so, because this was a matter which we should have to report to the Government of India and obtain their orders before we could pass an order ourselves. The present rule is that it is only in cases of persons accused of murder that their defence is undertaken or rather provided for by Government, and even in

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these cases there were until recently two limitations; *first*, that the accused persons must be unable to provide for their defence themselves, and, *secondly*, that the nature of the defence must be such as to induce either the District Magistrate on the Sessions Judge to conclude that the accused ought to have legal assistance provided for them. In all other cases, that is cases other than murder, there is no provision at the present moment by which it is the duty either of the District Magistrate or the Sessions Judge to provide for the legal defence of accused persons. It would, therefore, be a very wide extension of the principle now applied to murder cases. We should hardly be justified in accepting such an extension in these cases without extending to all cases of accused persons charged with offences but unable to provide for their defence. I am prepared to go to that length if anything new can be shown which indicates the necessity for such a course, namely, that whenever a person charged with an offence is unable to provide a lawyer for his defence, Government should pay for a lawyer for his defence. That is not the rule in this country. No necessity has been felt for such a rule. Speaking for myself, I am unable to see why in these *hât-looting* cases, which are of an extremely simple nature and where the only question is one of identification, *i.e.*, whether the man charged did or did not take part in the *looting* which undoubtedly took place, why in these cases as distinguished from all others it should be necessary for Government to provide for the defence of accused persons. I deprecate what the Hon'ble Mover said with regard to the feeling in the country. Surely, when persons are charged with offences before the tribunals appointed by law, we cannot take into account the fact that this man or that man or a number of people—you may call them the public if you like—consider that these persons are innocent. That is not the function of Government; surely it is the duty of the Courts to discharge them if they are innocent, and it is for that purpose that the tribunals have been constituted. It would be straying from the point to consider the question as to whether they are guilty or not; that is a matter which will be decided according to the ordinary law by the tribunal appointed for that purpose. I think it is hardly relevant and, if I may say so, hardly proper to say that these people are believed to be innocent or that the innocent people have been placed before the Courts and the guilty have been allowed to escape. It tends to create a prejudice against the tribunal and a prejudice in favour of the persons charged before the Courts. It ought not to be done in the Council or in the public press. If I were to accept this resolution it would not be a question of any pecuniary importance, as it would mean only, I suppose, a few thousand rupees, and if these cases were to continue, which I hope they would not, it might run to a great deal more. But, as a matter of principle, is there anything to distinguish these cases of rioting and *looting* from all other cases of rioting and *looting*, so that we should provide for a lawyer in these cases, though we do not do so in others? I am unable to see any point of distinction between these and other cases which are constantly before the Courts in every district. I am therefore unable to recommend to the Council the acceptance of this resolution."

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI said:—

"Sir, I am rather surprised to hear from my Hon'ble friend that the *hât-looting* cases are of a simple nature. If they are of a simple nature, then why should they be tried by the special tribunal? That is the first point. My friend knows very well that if a case comes before the special tribunal it becomes nearly as serious as a murder trial and the accused have got in some cases up to seven years' rigorous imprisonment. Why should not every offence be dealt with in this way? In answer to that I say that this is a matter which has stirred the whole country, nearly

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all the districts of Bengal, and it would have done absolutely no harm to the Government if they had only asked some junior pleader to defend the accused in these cases. Perhaps the junior pleader would have defended them without any remuneration at all."

The Hon'ble SIR S. P. SINHA said :—" They are free to do so now."

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI said :—

" If this were done the Government would have been liked by the people more. That is all I can say. Sir, if the Government of Bengal had written to the Government of India for permission or order it would have been a very easy matter, and I do not think they would have gone against the wishes of the Government of Bengal. And even if it were decided to try these cases by special tribunals it would have done no harm to get somebody to defend these people. I know that in the Karanjahat case in Bogra the allegations were that things worth only Rs. 8-2 were looted from the hât and for that an accused got 4 or 5 years. This is what has happened in these *hât-looting* cases. With all respect to my friend I should like to add that if still there is time and the Government would employ somebody in the district to defend these people they would earn the gratitude of the people. Let the people understand that they shall be dealt with harshly if they are really found guilty, and let them also understand that the Government are very just to them by trying to find out the innocent from the guilty people."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that Government do take into consideration the revision of the rules under the Bengal Municipal Act, 1884, for the election of Municipal Commissioners, now in force in mufassal Municipalities in Bengal, with a view—

(1) to insert in rule 13 after the figures 57 the words " or removed under section 19" ;

(2) to add the following in rule 14 before the word " publish," namely :—

" The Chairman shall decide whether the rule is duly complied with" ;

and

(3) to omit the words " and his decision is final " in rule 29.

He said :—

" Sir, with reference to the first part of my resolution, I regret to note that there has been an omission to add the following words after the words ' or removed under section 19 ' but has not obtained the sanction of the Local Government as provided in section 22 of the Act. I ask therefore the permission of the President to amend this part of my resolution accordingly.

Rule 13 of the Election Rules lays down clearly that any person to vote under these rules and not disqualified under section 57 of the Act shall be

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qualified to be elected a Commissioner. If any one reads this rule without reference to section 22 of the Act, he is naturally led to infer that a Commissioner removed from his office under section 19 of the Act shall be elected, if he is a qualified voter. The right of election of a Commissioner is a right exercised by qualified voters. The election is therefore the result of voting by qualified voters in favour of another qualified voter who is a candidate for Commissionership. Rule 13, as it stands at present, is not a bar to the election of a Commissioner removed under section 19 of the Act. This rule does not notice the provisions of section 22 which lays down that a Commissioner removed under section 19 may be elected or re-elected with the sanction of the local Government.

With reference to rule 14 of the Election Rules, I beg to point out that, supposing in the application in Form B the proposer or seconder is not a qualified voter or supposing that all the supporters of a candidate or a few of them are not qualified voters, the question is whether the Chairman of a Municipality is bound to publish the name of the candidate in Form B which generally contains the names of the proposer, seconder and supporters. Relying upon the provisions of section 31 of the Calcutta Municipal Acts 1899, which embodies a similar rule of procedure, an Hon'ble Judge in the High Court observed in a case reported in 22 Indian Law Reports, Calcutta P, 717, 'I do not think it is intended to be laid down here that, supposing a person had not submitted the name of any approver at all, or submitted a number less than 8, or submitted them within a period less than seven days before the day fixed for the election, the Chairman in such a case would be bound to accept the name of the person as a candidate.' Justice Sale further explained the views of Justice Trevelyan in the earlier case reported in 19 Indian Law Reports, Calcutta, P. 192, 'that assuming there has been a sufficient *primâ facie* compliance with the condition laid down by section 31, the Chairman has no power to go further and determine questions affecting the status of persons claiming to be candidates duly qualified under the Act.' I have ventured to submit my suggestion to the Council so that rule 14 be made clear.

Referring to the third part of my resolution, I venture to think that the words 'his decision is final' should be omitted from the Election Rule No. 29. The Magistrate does not decide the dispute under the provisions of the Code of Criminal Procedure. He does not treat the dispute as a crime. He is merely to decide it as an arbitrator. As a matter of fact, his decision is not a final one. It is generally contested in Civil Courts. Section 15 of the Bengal Municipal Acts 1899 provides the authority who shall decide disputes under the rules. If a statute or a rule having the force of law declares a decision of the authority as a final one, and at the same time it lays down that it may be contested in the Civil Courts, it seems to me to be an anomaly.

With these few words, I submit, Sir, that my resolution be accepted by the Council."

The Hon'ble SIR S. P. SINHA said :—

"Sir, I confess that I am somewhat puzzled as to why this resolution has been brought forward. I am not aware of any difficulty having arisen by reason of the existing rules. Our attention has not certainly been drawn to any such difficulties and the amendments proposed by the Hon'ble Mover are more or less questions of drafting, which if he will bring them before us when we are considering the amendment of the Act and the rules, I am sure, would receive every consideration. But what exactly it is that he finds [illegible] in the existing rules and [illegible], I confess [illegible]."

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To take the first one: the rule as it stands and which he wants to change is this :—

'Any person qualified to vote under these rules and not disqualified under section 57 shall be qualified to be elected a Commissioner.'

My friend wants to add to that, that not only must he not suffer from a disqualification under section 57, but he must not have been removed by Government under section 19. There is a section in the Act which provides that any person so removed shall not be capable of being elected as Commissioner unless he has obtained the consent of the Government; my friend says that a person removed shall not be elected a Commissioner, unless he has obtained the consent of the Government, but this is in the Act now. I do not see why he asks the Council to consider this at all. That is with regard to the first portion of the resolution. All the answer that I can give to my Hon'ble friend is that the change which he seeks to introduce is absolutely unnecessary, being provided by the Act itself—section 22.

Then we may take the next one. Rule 14 which provides that every candidate for election shall send his name to the Chairman in writing a certain number of days previous to the election and his proposer and seconder must subscribe their names to the paper and eight other electors besides. Then the rule goes on to say, 'The Chairman shall put up a list of all candidates in the same form at the municipal office not less than 15 days before the date of election.' My friend wants to add to that, that the Chairman before publishing that list must decide as to whether the form that has been sent in has the names of the proposer and seconder and eight other names that are required, and that it has been sent in time before he includes them in the list to be published. But surely that is the rule now. The Chairman shall publish the names of all persons who have sent in their names in time, but if the time is past and a man sends in his name and that of the seconder and proposer and so forth the Chairman simply puts it away, and says that 'I cannot publish your name as you have not come in time.' He does decide necessarily as to whether the form is correct. Then you add nothing to the rules by saying that he must decide whether the paper is in accordance with form or not. He must decide it before he publishes the list. There is no harm in accepting the Hon'ble Member's proposal; but, as a matter of drafting, I do not think it is necessary, nor I venture to say, with all respect to the Hon'ble Member, do I see the necessity of troubling the Council about such a matter at all.

Let us take the next one: 'The Chairman shall decide *and his decision is final.*' I may point out that my friend quotes the rule (29) wrongly. The words in the rule are 'shall be final' and *not* 'is final.' My friend has pointed out that it is not final in the sense that you cannot go to the Civil Courts about it, because there is a section which says that although the Magistrate decides on any particular point, if a man is aggrieved he may go to the Civil Court and contest the decision of the Magistrate; but all that was meant by saying that the decision of the Magistrate shall be final was this: that there shall not be an appeal to the Commissioner and from the Commissioner to the Local Government. And so far as the preliminary dispute is concerned, apart from the Civil Court, you shall not go to any higher authority than the Magistrate. There is a section in the Act that it shall not be final in such a sense as to preclude the jurisdiction of the Courts. What more do we want? I can only say that although all these three amendments are defective in some respects they are harmless, and I do not see any necessity for any one of them, and I should, as a draftsman, be inclined to think that the rules, as they at present exist, are better drafted than they would be if my friend's suggestions were accepted. I would, therefore, suggest that the

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The Hon'ble Rai Mahendra Chandra Mitra Bahadur.

Hon'ble Member should not press this resolution; but when we are reconsidering the rules as well as the Act, his suggestions with regard to these matters will be attentively and respectfully considered."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said:—

"Sir, I submit that I would not have come to this Council, had not the question come up for consideration before the Civil Courts. I do not think it is necessary to refer to concrete cases; but I may refer to the amendment which I propose with regard to rule 14. As a matter of fact, the Chairman, under that rule, is required to publish the names; but cases occurred in which the authority of the Chairman was questioned and he was asked to publish the list according to form. It is necessary that the form should contain the names of the proposers and seconders, as well as those of eight supporters. Supposing it is found that the supporters are not qualified voters; still the Chairman was pressed to publish the notice in Form B. If he refused to do so, he was dragged into the Civil Courts on the ground that he had no authority to decide the question whether the notice was in due compliance with the requirements of the rule. As the Hon'ble Member in charge considers that it is a harmless rule, I submit, for the consideration of the Council, that such alterations as I suggest, viz., the addition of a few words 'that the Chairman shall decide whether the form is in due compliance with the rules' will save a lot of trouble afterwards, and that is the reason why I have brought this matter to the notice of the Council.

As regards the second part of my resolution, viz., whether a person who has been removed under the provisions of section 19 of the Act shall be elected a Commissioner or not, rule 13 of the Election Rules lays down, that 'no matter whether a person who is removed under section 19 or not, he shall be elected a Commissioner, provided he is a qualified voter.' Although I admit that the provisions of section 22 are not referred to in rule 13, that rule stands by itself, and as far as the language of that rule goes, it clearly says that 'any person, whether he has been removed or not, shall be elected a Commissioner.' Hence difficulty was felt. I therefore submit for the consideration of the Council that if the Hon'ble Member in charge thinks that this is a harmless suggestion, I may ask whether it would be injudicious to frame the rule as suggested by me. I admit that there is a section in the Municipal Act which lays down that a person removed under the provisions of section 19 may be elected or re-elected; but so far as the rule is concerned it stands by itself. As the rule stands now voters removed under section 19 naturally rush in for election.

Then, Sir, with regard to the third part of the resolution, as to the words whether the decision of the Magistrate is final or not, I submit that it is the subject-matter of controversy in the mufassal Courts and also in the High Court, and we understand that notwithstanding the expression that the decision of the Magistrate is final in the rule itself, the view taken was that that his decision was not final. The Hon'ble Member in charge says that the language of the rule says that it *shall* be final and draws a distinction between the expressions '*is final*' and '*shall be*' *final*. My contention is that it is a matter of controversy whether those words do not imply a finality of decision. Where is the necessity of sticking to those words? In that view of the matter, I approached the Council for the exclusion of the words which I have already mentioned. As the Hon'ble Member in charge assures me that these suggestions will be considered at the time when the Act is to be redrafted, I have no other alternative than to withdraw the resolution."

The Resolution was then, by leave of the President, withdrawn.

[illegible]

The [illegible]ent.

ADJOURNMENT.

The PRESIDENT said :—

"I have been asked by His Excellency the President to expl[illegible] [illegible]ances under which it has been decided to adjourn the Coun[illegible] [illegible]h March. Under rule 13 of the Rules for the discussion of [illegible] [illegible]cial Statement it is required that the Council should not meet [illegible] than the 13th, and it was His Excellency's intention to have had the [illegible] meeting on the 13th. It was, however, pointed out by the Hon'ble Maha[illegible] dhiraja Bahadur of Burdwan that the 13th was not a convenient day as it [illegible]ed a festival which was observed by fasting by Hindus. [illegible] [illegible]ency has, therefore, been pleased to suspend rule 13 and to [illegible] [illegible] the Council should stand adjourned till the 14th."

The Council was then adjourned to Wednesday, the 14th March, 1918, at 11 A.M. at Government House, Calcutta.

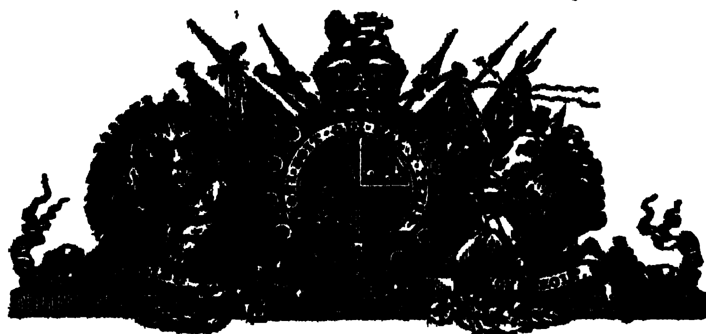
A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA :

The 19th March, 1918.



The Calcutta Gazette

WEDNESDAY, APRIL 17, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Thursday, the 14th March, 1918, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I., *Vice-President.*

The Hon'ble MR. N. D. BEATSON BELL, C.S.I., C.I.E.

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble LT.-COLONEL W. J. BUCHANAN, C.I.E., I.M.S.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble MR. J. MACKENZIE.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. R. GLEN.

The Hon'ble REV. DR. G. HOWELLS.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI, C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E.

The Hon'ble MR. W. E. CRUM.

The Hon'ble MR. E. B. EDEN.

The Hon'ble MR. E. A. MARTIN.

The Hon'ble MR. H. R. A. IRWIN.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble MR. ALTAF ALI.

The Honble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

Questions and Answers.

LIST OF BUSINESS—ITEM No. 1A.

OATH OF ALLEGIANCE.

The HON'BLE MR. W. E. CRUM made an oath of his allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 1.

The following questions which had been starred were put and answered :—

By the Hon'ble BABU BHABENDRA CHANDRA RAY :

Grants-in-aid for girls' schools.

*1. Will the Government be pleased to state—

(i) the number of applications, for grants-in-aid for girls' schools in the Presidency and Burdwan Divisions, which have been rejected during the current official year, and

(ii) the reasons why these applications were rejected?

Answer by the Hon'ble MR. O'MALLEY :—

" (i) Five.

(ii) The schools in question were lower primary schools of recent origin and the policy of the Education Department in regard to girls' primary schools is that no application for a departmental grant-in-aid for any school is entertained unless it has existed and worked satisfactorily for not less than a year. In addition to this, the grant-in-aid allotment at the disposal of the Inspectress of Schools had been hypothecated for existing schools and it was therefore not possible for her to make any new grants-in-aid, except by withdrawing grants from some of the older schools."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Assistant Inspectress of Zenana and Muhammadan girls' schools.

*2. (a) Will the Government be pleased to state—

(i) whether there is an assistant inspectress of schools for zenana work and for Muhammadan education, and

(ii) whether her work is limited to zenanas and Muhammadan girls' schools?

(b) If the reply to (ii) be in the negative, are the Government considering the desirability of directing that the said assistant inspectress should give her whole time to zenana work and to Muhammadan education?

(c) If the reply to (ii) be in the affirmative, will the Government be pleased to state the exact amount of travelling allowance drawn by the said assistant inspectress, as shown in the travelling bills, for visiting other than Muhammadan girls' schools and zenana work?

(d) Will the Government be pleased to state whether it is a fact that the officiating inspectress of schools, Presidency and Burdwan Divisions, often takes the said assistant inspectress to Hindu girls' schools with her? If so, why?

Questions and Answers.

(e) Will the Government be pleased to state whether it is a fact that the officiating inspectress of schools, Presidency and Burdwan Divisions, is often accompanied to Hindu girls' schools by the assistant inspectress in whose jurisdiction the school is, the assistant inspectress for zenana work and Muhammadan education and the local deputy inspector? If so, what are the reasons which make it necessary for the inspectress of schools to be accompanied by all these people on such occasions?

(f) Will the Government be pleased to state whether it is a fact that, although the officiating inspectress is often accompanied by the assistant inspectress for zenana work and Muhammadan education, the latter's name is not mentioned in the visitors books?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) (i) Yes.

(ii) Yes, but occasionally she visits other schools under special orders.

(b) The Hon'ble Member is referred to the reply already given.

(c) The amount in the year 1916-17 was Rs. 42.

(d) No. It has occasionally happened that when the officiating inspectress and the assistant inspectress visit zenana agencies and maktabs together, the officiating inspectress has taken the opportunity of visiting a Hindu school either in the same place or on the way, and that the assistant inspectress has been present while the officiating inspectress inspected the school.

(e) The officiating inspectress often asks the assistant inspectress to accompany her to schools within the latter's jurisdiction. It is a common practice for subordinate officers to be present at the inspections of superior officers. When the schools are situated in out-of-the-way places, which have to be reached by a long bullock cart journey or by boat, a deputy inspector frequently escorts these ladies. The presence of an officer of this class helps to protect them from risk of molestation and insult.

(f) In view of the reply to paragraph (d) of this question, no separate reply on this point seems necessary."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Visits by Inspectress of Schools.

*3. Will the Government be pleased to state how many girls' schools, within the road distance of 10 to 20 miles from a railway station or a halting place, have been visited by the Officiating Inspectress of Schools Presidency and Burdwan Divisions?

Answer by the Hon'ble MR. O'MALLEY :—

"Twenty within the last twelve months."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Visits by Inspectress of Schools to model girls' schools in Presidency and Burdwan Divisions.

*4. Will the Government be pleased to state the names of the model girls' schools which have not been visited by the Officiating Inspectress of Schools, Presidency and Burdwan Divisions, since her appointment as such, and the reasons why they have not been so visited?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"The schools in question are (1) the Sheakhala Model Girls' School in the district of Hooghly. (2) the Kantaldah Model Girls' School in the district of Howrah. (3) the Paraj Model Girls' School in the district of Burdwan.

Schools of this class being primary schools the Assistant Inspectresses are directly responsible for their inspection, and it is not necessary for the Inspectress to visit all of them. It is not therefore possible to assign any particular reason for the Offg. Inspectress not visiting these three schools."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :-

The case of Jyotish Chandra Ghosh, a *détenu*.

*5. (*a*) Will the Government be pleased to state since when one Jyotish Chandra Ghosh has been in confinement and where he is at present confined?

(*b*) Will the Government be pleased to make a statement as to the present state of his bodily and mental health, and to lay on the table a copy of the detailed medical report of his present health, as also a copy of his continuous medical history sheet since he has been placed under medical observation?

(*c*) For what period or periods has he been kept confined in a solitary cell since his arrest in January, 1917?

(*d*) What was his weight at or about the time of his arrest in January, 1917? What is his present weight?

(*e*) Have the Government any proposal before them to remove him to Calcutta or to some other place where the best medical aid is available?

Answer by the Hon'ble MR. KERR :—

"(*a*) The Hon'ble Member is referred to the answer given to unstarred question No. LXVIII at the meeting of Council held on the 22nd January, 1918.

(*b*) The Hon'ble Member is referred to the answer given to unstarred question No. LXIX at the meeting of Council held on the 22nd January, 1918. Government are not prepared to lay the medical report or continuous history sheet on the table and this course would in any case require the sanction of the Government of India.

(*c*) The Hon'ble Member is referred to the answer given to unstarred question No. LXXI at the meeting of Council held on the 22nd January, 1918.

(*d*) His present weight is 119 pounds; his weight on admission to the Rajshahi Jail on 4th February, 1917 was 154 pounds.

(*e*) The mother of Jyotish Ghosh has petitioned that he should be removed to a Calcutta Hospital, but Government is advised that specially trained nursing and attendance is essential to his recovery, and that this can best be provided in the Lunatic Asylum at Berhampore where he now is."

The answers to the following unstarred questions were laid on the table :—

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Damage by floods.

I. Will the Government be pleased to lay on the table a copy of the following papers in connection with the question regarding the remedial measures to be taken with a view to lessening the damage by floods in the Burdwan, Hooghly, Howrah and Midnapore districts :—

(1) Annual reports on the state of the crops in the inundated area during the last 20 years,

(2) Notes of the Inspector-General of Irrigation, dated the 27th and 28th January, 1913, and 30th January, 1914,

Questions and Answers.

(3) Flood report of 1913 and the Superintending Engineer's (South-Western Circle) note No. 7402, dated the 17th December, 1913,
(4) Previous flood reports of the Cossye and Northern Drainage and Embankment Divisions for the last ten years,
(5) Mr. Horn's note on the remedial measures to be adopted to mitigate the extent of damage caused by the Damodar floods, dated the 21st February, 1902, and the orders of Government on Mr. Horn's report,
(6) Final orders of Government regarding the construction of a weir across the Begua Breach,
(7) Mr. Horn's note on the Ghatal floods,
(8) The Midnapore Embankment Committee's report of 1878 (proceedings for January, 1879, Nos. 19—33).

Answer by the Hon'ble MR. COWLEY :—

"(1), (2), (3), (4), and (5) Copies of the papers have been laid on the library table.

(6) There were no final orders of Government on the question of the construction of a weir across the Begua Breach. The whole question was dropped after the inspection of the Inspector-General of Irrigation on the 28th of January, 1913. In this connection the Hon'ble Member is referred to the Resolution moved by the Hon'ble Dr. Deva Prasad Sarbadhikari at the meeting of the Bengal Legislative Council, which was held on the 13th of March, 1913, and to the Hon'ble Mr. Lyon's speech in reply thereto.

(7) and (8) Copies of the papers have been laid on the library table."

By the Hon'ble KHAN SAHIB AMAN ALI :—

Muhammadan employés in the Forest Department.

II. (*a*) Are the Government aware that the number of Muhammadan employés in the Forest Department, in the Bengal Presidency, are considerably less than those in other Provinces?

(*b*) If so, are the Government considering the desirability of appointing Muhammadans in that Department in the same proportion as in the case of appointments made in other Departments of this Government?

Answer by the Hon'ble MR. KERR :—

"(*a*) It is understood that the Hon'ble Member refers to ministerial officers, foresters and forest guards. This Government has no information regarding the number of Muhammadans appointed to these posts in other provinces.

In Bengal the number of Muhammadans employed in these capacities is as follows :—

	Muhammadans.	Non-Muhammadans.
(1) Ministerial Officers	4	36
(2) Foresters	8	31
(3) Forest guards	29	307

(*b*) The general orders issued by the Government of Bengal as regards ministerial officers prescribe a standard of 1/3 Muhammadans in the districts in which there are Government forests other than Darjeeling. These orders apply to forest establishments. No special orders have been issued regarding the appointment of Muhammadans to the posts of forester and forest guard, but the Conservator has reported that measures have been taken to increase the number of Muhammadans, and Government do not consider it necessary to prescribe a specific proportion of Muhammadans for these posts."

Questions and Answers.

By the Hon'ble MAULVI ABUL KASEM :—

III. (*a*) Is it a fact that the Chairman of the Faridpur District Board submitted an opinion on behalf of the Board to Government, without laying the same before the members of the Board at a meeting and that he placed it before them after it was submitted? Faridpur District Board and its Chairman.

(*b*) Is it a fact, that when Babu Kristo Das Roy, a member of the Board, protested against the procedure of submitting opinions by the Chairman without consulting the Board, he was ruled out of order?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) The letter of the Legislative Secretary asking for the opinion of the District Board on the Bill for the prevention of smoking by juveniles was received in the District Board office on or about 16th December, 1917, with instructions that the opinion of the Board should be submitted by 5th January, 1918. The District Board office was closed from 23rd December to 1st January, while the Board's meetings being held on the first Saturday of the month, there was no meeting due till 5th January. In these circumstances, the Chairman obtained an opinion from a prominent non-official member of the Board, which he submitted on behalf of the Board. This opinion was subsequently laid before the Board and was approved by it with one exception regarding a point of detail.

(*b*) When the opinion was laid before the Board, Babu Kristo Das Roy expressed disapproval of the action taken and proposed moving a resolution to that effect. He was informed that in that case he would be ruled out of order."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

IV. (*a*) Has the attention of the Government been drawn to the opinion that has been expressed that the amendment of Article 459 of the Civil Service Regulations, which governs the retirement of Government officers at the age of 55 years, will work great hardship upon those ill-paid members of the Subordinate Educational Service who will have to retire under the amended rule within a year or two? The new retirement rules and the Subordinate Educational officers.

(*b*) Are the Government considering the desirability of issuing instructions to the authorities concerned that in the case of those members of the said service who are due to retire within a year or two, it may be held that their cases constitute unquestionable public grounds within the meaning of the amended rule, and that the discretion vested in the aforementioned authorities may be exercised in favour of these officers?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) No.

(*b*) No. In the case of each officer it will be considered whether there are special reasons justifying his retention in service."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

V. (*a*) Will the Government be pleased to state what action has been taken, and what action is now being taken, to give effect to the resolution about the Gumti embankment accepted by the Government at the meeting of this Council in January, 1917? The Gumti Embankment scheme.

(*b*) Has any scheme been finally decided upon in connection with the embankment?

Questions and Answers.

(3) Flood report of 1913 and the Superintending Engineer's (South-Western Circle) note No. 7402, dated the 17th December, 1913,
(4) Previous flood reports of the Cossye and Northern Drainage and Embankment Divisions for the last ten years,
(5) Mr. Horn's note on the remedial measures to be adopted to mitigate the extent of damage caused by the Damodar floods, dated the 21st February, 1902, and the orders of Government on Mr. Horn's report,
(6) Final orders of Government regarding the construction of a weir across the Begua Breach,
(7) Mr. Horn's note on the Ghatal floods;
(8) The Midnapore Embankment Committee's report of 1878 (proceedings for January, 1879, Nos. 19—33).

Answer by the Hon'ble MR. COWLEY :—

"(1), (2), (3), (4) and (5) Copies of the papers have been laid on the library table.

(6) There were no final orders of Government on the question of the construction of a weir across the Begua Breach. The whole question was dropped after the inspection of the Inspector-General of Irrigation on the 28th of January, 1913. In this connection the Hon'ble Member is referred to the Resolution moved by the Hon'ble Dr. Deva Prasad Sarbadhikari at the meeting of the Bengal Legislative Council, which was held on the 13th of March, 1913, and to the Hon'ble Mr. Lyon's speech in reply thereto.

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By the Hon'ble KHAN SAHIB AMAN ALI :—

II. (*a*) Are the Government aware that the number of Muhammadan employés in the Forest Department, in the Bengal Presidency, are considerably less than those in other Provinces?

(*b*) If so, are the Government considering the desirability of appointing Muhammadans in that Department in the same proportion as in the case of appointments made in other Departments of this Government?

Answer by the Hon'ble MR. KERR :—

"(*a*) It is understood that the Hon'ble Member refers to ministerial officers, foresters and forest guards. This Government has no information regarding the number of Muhammadans appointed to these posts in other provinces.

In Bengal the number of Muhammadans employed in these capacities is as follows :—

	Muhammadans.	Non-Muhammadans.
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(*b*) The general orders issued by the Government of Bengal as regards ministerial officers prescribe a standard of 1/3 Muhammadans in the districts in which there are Government forests other than Darjeeling. These orders apply to forest establishments. No special orders have been issued regarding the appointment of Muhammadans to the posts of forester and forest guard, but the Conservator has reported that measures have been taken to increase the number of Muhammadans, and Government do not consider it necessary to prescribe a specific proportion of Muhammadans for these posts."

Questions and Answers.

By the Hon'ble MAULVI ABUL KASEM :—

III. (*a*) Is it a fact that the Chairman of the Faridpur District Board submitted an opinion on behalf of the Board to Government, without laying the same before the members of the Board at a meeting and that he placed it before them after it was submitted?

(*b*) Is it a fact, that when Babu Kristo Das Roy, a member of the Board, protested against the procedure of submitting opinions by the Chairman without consulting the Board, he was ruled out of order?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) The letter of the Legislative Secretary asking for the opinion of the District Board on the Bill for the prevention of smoking by juveniles was received in the District Board office on or about 16th December, 1917, with instructions that the opinion of the Board should be submitted by 5th January, 1918. The District Board office was closed from 23rd December to 1st January, while the Board's meetings being held on the first Saturday of the month, there was no meeting due till 5th January. In these circumstances, the Chairman obtained an opinion from a prominent non-official member of the Board, which he submitted on behalf of the Board This opinion was subsequently laid before the Board and was approved by it with one exception regarding a point of detail.

(*b*) When the opinion was laid before the Board, Babu Kristo Das Roy expressed disapproval of the action taken and proposed moving a resolution to that effect He was informed that in that case he would be ruled out of order."

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IV. (*a*) Has the attention of the Government been drawn to the opinion that has been expressed that the amendment of Article 459 of the Civil Service Regulations, which governs the retirement of Government officers at the age of 55 years, will work great hardship upon those ill-paid members of the Subordinate Educational Service who will have to retire under the amended rule within a year or two?

(*b*) Are the Government considering the desirability of issuing instructions to the authorities concerned that in the case of those members of the said service who are due to retire within a year or two, it may be held that their cases constitute unquestionable public grounds within the meaning of the amended rule, and that the discretion vested in the aforementioned authorities may be exercised in favour of these officers?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) No

(*b*) No. In the case of each officer it will be considered whether there are special reasons justifying his retention in service."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

V. (*a*) Will the Government be pleased to state what action has been taken, and what action is now being taken, to give effect to the resolution about the Gumti embankment accepted by the Government at the meeting of this Council in January, 1917?

(*b*) Has any scheme been finally decided upon in connection with the embankment?

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

"(a) In February 1917 the Commissioner of the Chittagong Division was requested to ascertain and to report, for the information of Government whether His Highness the Raja of Hill Tippera was willing to have a modification of the agreement of 1878, so that in future Government may undertake direct responsibility for the embankments which have hitherto been maintained by him.

A reply was forwarded by the Commissioner of the Chittagong Division in June 1917 with the report that His Highness the Raja of Hill Tippera had no objection to accepting the suggestion that Government may undertake direct responsibility for the Gumti embankments in future, and that he offered to contribute a reasonable portion of the expenditure for the undertaking. On the 9th of November, 1917, the Commissioner of the Chittagong Division was requested to instruct the Collector of Tippera to take action under section 7 (1) of the Bengal Embankment Act, 1882 (Ben. Act II of 1882), with respect to the embankments on either side of the Gumti river within the estate of the Raja of Hill Tippera. The report of the Commissioner under section 12 of the Act is awaited

(b) No."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Expenditure on education by District Boards.

VI. Will the Government be pleased to make a statement for the last 10 years, showing, year by year—

(a) the amounts spent by each individual District Board on—

(i) primary education;
(ii) secondary education; and
(iii) other educational objects;

(b) the proportion which each of these figures represents of the total actual receipts and of the total actual expenditure of each particular year?

Answer by the Hon'ble MR. O'MALLEY :—

"Statistics of the expenditure incurred by each District Board on secondary education and other educational objects during each of the ten years and on primary education during the years 1907-08 to 1914-15 are not available. The information desired by the Hon'ble Member in regard to primary education can be obtained for the years 1915-16 and 1916-17 from column 17 of Appindix C, column 83 of Form II and column 108 of Form III of the annual resolutions reviewing the reports on the working of the District Boards in Bengal for those years."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

European Inspectors of Schools.

VII. Will the Government be pleased to make a statement giving the names of such European officers of the Department of Education as have been employed on inspection work during the last five years, showing—

(i) their experience of similar work, or of the working of schools in Europe or India, previous to such employment;
(ii) their length of service in India prior to such employment; and
(iii) whether they had acquired proficiency in the vernacular, either before or after such employment?

Answer by the Hon'ble MR. O'MALLEY :—

"A statement* is laid on the table."

* *Vide* Appendix A.

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

VIII. (a) Have the Government lately received a petition from the mother of State prisoner Jyotish Chandra Ghosh for transmission to the Governor-General in Council? Petition by a State prisoner.

(b) If so, has the petition been forwarded? If so, when?

(c) Have the Government made an inquiry into the truth or otherwise of the statements contained therein?

(d) Will the Government be pleased to lay on the table the reports made from time to time by the official visitor or visitors in regard to Jyotish Chandra Ghosh, during the last twelve months?

Answer by the Hon'ble MR. KERR :—

" (a), (b) and (c) A petition from the mother of the State prisoner Jyotish Ghosh was forwarded to the Government of India on the 28th February 1918. No special inquiry was made regarding the statements in the petition.

(d) The Hon'ble Member is referred to the answer given to question No. II (unstarred) asked by him at the meeting of this Council held on the 19th February 1918."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

IX. (a) With reference to the statement made in reply to a question of mine at the meeting, dated the 19th February, 1918, regarding the scope of the Rowlatt Committee's inquiry, and the examination of individual cases, has the attention of Government been drawn to the reply to question No 20 at the meeting of the Imperial Legislative Council on the 6th February last, in which it has been stated that the Committee is at full liberty to examine the records of individual cases? The Rowlatt Committee.

(b) Is it a fact that only papers of certain individual cases selected by Government have been placed before the Committee?

Answer by the Hon'ble MR. KERR :—

" (a) Government has seen the reply to the question referred to.

(b) It is not a fact. "

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

X. (a) Is it a fact that the father of Mohini Mohan Samanta, a *détenu* under the Defence of India (Criminal Law Amendment) Act, submitted a representation to the Secretary, Government of Bengal, Political Department, on the 4th February last praying for the removal of his son to a healthy place on the ground that his son was in a bad state of health? Representation by a *détenu's* father.

(b) What steps have been taken with reference to the said representation?

(c) Has any reply been given?

(d) If so, when was the reply communicated to the party?

Answer by the Hon'ble MR. KERR :—

" No such petition dated the 4th February, 1918, has been received from the father of Mohini Mohan Samanta."

Questions and Answers.

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

Arrests under the Defence of India (Criminal Law Amendment) Act.

XI. (a) How many persons have been arrested under the Defence of India (Criminal Law Amendment) Act during the months of January and February, 1918?

(b) What are their names and places of residence and where were they arrested?

(c) What are the charges against them?

(d) What is the procedure followed in each case to enable the arrested persons to properly defend themselves before the authorities consider the charges against them and pass the order of internment?

(e) What is the total number of interned persons up to date?

(f) What is the number of persons who have been released from January, 1917, to the end of February, 1918, and the number of persons in respect of whom relaxation or concessions have been granted?

(g) Will the Government be pleased to state what relaxations or concessions have been given in each case?

Answer by the Hon'ble MR. KERR :—

"(a) 50 persons have been arrested during January, and February, 1918, including 6 persons who were sent to Bengal from other provinces.

(b) and (c) Government do not consider it desirable to publish the details suggested or the charges against each person.

(d) The arrested persons are examined as to the facts alleged against them; charges are put to them in writing and their answers taken, and they are invited to submit to Government any written statement they may desire.

(e) The total number of persons against whom orders of internment have been passed up to date since the rules came into force is 1,098.

(f) and (g) 177 persons have been released from restrictions between the 1st January, 1917, to the end of February, 1918; and 74 persons who were interned away from their homes have been allowed to live at home since the 1st August, 1917; no separate records of transfers from foreign to home domicile were kept before that date."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

Death of an aged *détenu*.

XII. (a) Is it a fact that an old man of about sixty, Saroda Charan Moitra, was arrested at Benares in September last under the Defence of India (Criminal Law Amendment) Act, and interned at *Alfadanga*, in the Jessore district, where he died of fever on the 30th November last?

(b) Is it a fact that a relation of his pleaded for his detention in a healthier place and that the officer concerned agreed to grant this prayer?

Answer by the Hon'ble MR. KERR :—

"(a) Saroda Charan Moitra was arrested in Benares and was sent to Bengal by the United Provinces Government. He was interned at Alfadanga by orders dated 6th October, 1917, and died of fever on the 30th November, 1917.

(b) There is no record of this."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XIII. (*a*) Are any officers who are serving under the Court of Wards permitted to accept additional work under private proprietors? Officers under the Court of Wards.

(*b*) If so, what are the usual circumstances and conditions under which they are allowed to do so?

(*c*) Will the Government be pleased to state the names of all officers who have been so permitted, together with the terms and conditions of such permission, in each case?

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes, in some exceptional cases.

(*b*) Where the collections are joint and joint management is to the mutual advantage of the Court of Wards and the private proprietors.

(*c*) The only officers who have been so permitted are Colonel Hodding, who manages the Trust properties of the Dacca Nawab's Estate; Mr. Meyer, who manages the portion of the Shaistabad Estate known as Aila Fuljhuri; and Mr. Johnson, who manages the ten-annas portion of the Mathurapur Estate. In these cases the permission has not been restricted by any special terms or conditions."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XIV. (*a*) Did the Government receive, some time last year, a memorial from the Secretary, Hindu Endowment Committee, Chittagong, praying for the protection of Hindu pilgrims at *Méla* times and of their interests at Sitakunda? Protection of pilgrims at Chittagong.

(*b*) If so, will the Government be pleased to state what action has been taken thereon?

Answer by the Hon'ble MR. O'MALLEY :—

A copy of letter No. 342, dated the 18th February, 1918, to the Commissioner, Chittagong Division*, is laid on the table.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XV. (*a*) Will the Government be pleased to make a statement showing, for each of the last ten years, the number of appointments that have been given to inhabitants of the District of Mymensingh in the Subordinate, Judicial and Executive Services? Inhabitants of Mymensingh and the public services.

(*b*) Are there any rules which require that in the distribution of such appointments the home districts of the candidates should be taken into consideration?

(*c*) Will the Government be pleased to lay on the table a copy of such rules, if any?

Answer by the Hon'ble MR. KERR :—

"(*a*) A statement† is laid on the table.

(*b*) and (*c*) As regards the Judicial Service, no such rules as are referred to by the Hon'ble Member exist, but, as a matter of practice, in making appointments, the home districts of the candidates are taken into consideration.

As regards the Executive Service, the Hon'ble Member is referred to rules 11 and 3 of the Revised Rules for the recruitment of the Executive Branch of the Provincial Civil Service and the Subordinate Civil Service, respectively. The best candidate of the division is taken, irrespective of the district he comes from. Copies of these rules are laid on the table."

**Vide* Appendix B.
†*Vide* Appendix C.

Questions and Answers.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri :—

Revenue Survey *Mauzas* in Mymensingh.

XVI. Is it a fact that portions of Revenue Survey *Mauzas* in zemindaries in Mymensingh, in river beds, are going to be resumed by the Government as *Diara* lands?

Answer by the Hon'ble Mr. Kerr :—

"Yes, when such lands have not already been assessed to Government revenue."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri :—

Progress of education in Dacca Division.

XVII. What has been the ratio of progress of education among—

(*i*) the subcastes of Hindu society, and

(*ii*) the Muhammadans for each of the last seven years in the Dacca Division?

Answer by the Hon'ble Mr. O'Malley :—

"A statement* showing the progress of education among Brahmans and Hindu non-Brahmans, as well as among Muhammadans, for the last five years is laid on the table: figures for the two preceding years are not available. Statistics showing the number of pupils belonging to different castes (other than Brahman) or to different sub-castes are not compiled and cannot therefore be supplied."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri :—

Educational policy regarding the artisans of Bengal.

XVIII. Will the Government be pleased to state whether any particular policy of education has been adopted in regard to the artisans of the Presidency?

Answer by the Hon'ble Mr. O'Malley :—

"It is not the policy of Government to make special provision for the education of different functional castes or classes. The artisan classes have the same facilities for education as other sections of the community."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri :—

Education among the Namasudras.

XIX. Are the Government in a position to make a statement showing for the last seven years the progress of education among the Namasudras of the Presidency?

Answer by the Hon'ble Mr. O'Malley :—

"Figures are only available for the year 1916-17, when 41,105 Namasudras (36,932 boys and 5,173 girls) were under instruction. Of these, 100 boys were reading in colleges, 1,489 boys were in the high school stage, 1,690 boys were in the middle school stage and 32,087 boys and 5,138 girls were in the primary school stage. The rest were reading in special and indigenous schools."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri :—

[illegible] of, and [illegible] among, [illegible] artisans.

XX. Will the Government be pleased to make a general statement showing—

(*i*) the number, and

(*ii*) the moral and material progress of Hindu carpenters, blacksmiths, weavers and potters in the Presidency as they stand at present?

* *Vide* Appendix B.

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" (*i*) Government are not prepared to undertake a special census of the artisan classes referred to in the question. The Hon'ble Member is referred to Table XV-D of the Bengal Census Report for 1911, Part II (Tables).

(*ii*) Government regret that they have not sufficient information to enable them to make a general statement of this kind."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXI. Will the Government be pleased to make a statement showing, district by district, details of rivers, waterways and khals which, in the interests of sanitation, internal communication and trade, need immediate attention and improvement? Improvement of waterways.

Answer by the Hon'ble MR. COWLEY :—

" It is not possible in view of the geographical nature of this province, for this Government to give a complete and accurate reply to this question without a special, long and costly inquiry.

Improvements are made in different places from time to time, as imperfections are brought to notice and as the funds available permit.

The primary object of Government in the maintenance of rivers, waterways and khals is to afford the most direct and safe means of internal communication for purposes of trade. It follows that, where such rivers, waterways and khals are efficiently maintained the interests of sanitation are at the same time safeguarded. "

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXII. Will the Government be pleased to state what portion of the District Board money has been spent in the improvement of silted up rivers and choked up khals in the Dacca and Rajshahi Divisions, during 1917? Improvement of rivers and khals in Dacca and Rajshahi.

Answer by the Hon'ble MR. O'MALLEY :—

" A statement* is laid on the table."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXIII. Will the Government be pleased to make a statement showing the total number of rent suits instituted in the Courts of the different districts of the Dacca Division in each of the last five years? Rent suits in Dacca Division.

Answer by the Hon'ble MR. KERR :—

" A statement † for the years 1913—1916 is laid on the table ; figures for 1917 are not available at present."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXIV. (*a*) Is it a fact that, while sports are allowed in the Eden Gardens on Sundays, they are prohibited on Sundays on the Maidan? Sports on Sundays.

(*b*) If so, will the Government be pleased to explain this difference?

(*c*) Are the Government aware that such prohibition of sports on Sundays on the Maidan prevents a large number of Government employés and others from indulging in sports altogether?

* *Vide* Appendix E.
† *Vide* Appendix F.

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(a) and (b) A copy of the form of "permit for recreation ground on the Calcutta Maidan" has been placed on the library table. The use of the ground on Sundays is governed by Rule IV of the permit. Permits in this form have been issued to all clubs concerned with the exception of the Calcutta Cricket Club, which was using its ground with the consent of Government before the system of formal permits was introduced.

(c) No: there are many holidays apart from Sundays."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Dacca School of Engineering.

XXV. (a) Is there any proposal before the Government for the removal of the Dacca School of Engineering to a new site?

(b) If so, will the Government be pleased to explain any scheme that may have been drawn-up in that connection?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) and (b) The Hon'ble Member is referred to paragraph 4 of Chapter XX of the Report of the Dacca University Commission, from which he will observe that the removal of the Dacca School of Engineering from its present site was recommended in connection with the Dacca University scheme. That scheme is in abeyance pending the receipt of the report of the Calcutta University Commission. There is no other proposal before Government for the removal of the school."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Free supply of *Calcutta Gazette.*

XXVI. Is it a fact that the free supply of the *Calcutta Gazette* to certain newspapers has been stopped by a recent order?

Answer by the Hon'ble MR. DONALD :—

"Yes. It was found that the system of free supply in some instances had arisen in somewhat haphazard fashion, and on no very consistent principle. It was therefore decided to discontinue it."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Inquiry into the conditions of waterways in Eastern Bengal.

XXVII. (a) Will the Government be pleased to state whether any inquiry is being made into the conditions of the Brahmaputra and other waterways in the district of Mymensingh, similar to the investigation now being carried on in the Dacca district?

(b) If not, why not?

Answer by the Hon'ble MR. COWLEY :—

"(a) No such enquiry is being made.

(b) Primarily on account of the depletion of the staff in the Public Works Department caused by the war."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Manufacture of salt in Bengal.

XXVIII. (a) With reference to my question regarding the manufacture of salt on the Chittagong side, at the meeting of the Council held on the 18th February last, will the Government be pleased to lay on the table the letter from the Government of India in pursuance of which the memorandum dated the 5th April, 1917, was drawn up?

(b) Is it a fact that the inquiry which resulted in the aforesaid memorandum was practically confined to Western Bengal?

Questions and Answers.

(c) Were "Specific suggestions" referred to in the reply to my aforesaid question, received in regard to Western Bengal prior to the said inquiry?

(d) If so, what were these suggestions and from whom did they emanate?

(e) Was the purport of the said memorandum that suitable brine was not obtainable in the whole of Bengal?

(f) If so, are the Government considering the desirability of removing this impression from the mind of the Government of India in regard to the brine obtainable on the Chittagong side?

(g) Has the attention of Government been drawn to the answer given by Sir George Barnes to question No. 26 of the Imperial Council meeting, dated the 6th February, 1918, stating that the Government of India are not aware whether the Government of Bengal now consider that the manufacture of salt on the Chittagong side of the Bay of Bengal is possible?

(h) If so, are the Government considering the desirability of sending a communication to the Government of India on the subject?

Answer by the Hon'ble MR. DONALD :—

(a) "The letter of the Government of India merely asked for an expression of the views of the Government of Bengal on a proposal for reviving the manufacture of salt in Bengal, primarily by the vacuum process, a proposal which was suggested by a retired officer in a communication which formed an enclosure to that letter. Government are unable to lay the correspondence on the table.

(b) No special inquiry was made. The question was reported on by Mr. Platts, Deputy Commissioner of Excise and Salt, who, as Assistant Commissioner of Salt, was fully conversant with all the conditions in Bengal generally, and his report was with respect to the whole of Bengal.

(c) and (d) No. No specific suggestions were received in regard to any particular part of Bengal at that time.

(e) The memorandum was intended to show that the establishment of the salt industry in Bengal on a sound commercial basis did not appear probable owing to the difficulty in securing a combination of suitable brine, sufficient fuel, ready access to markets, easy transport, and suitable climatic conditions, in any area in Bengal.

(f) The Government of Bengal are not aware that the Government of India are under any misapprehension as to the position, but it will be brought to their notice in connection with the reference following the resolution passed by the Council on the 22nd January, 1918.

(g) The Government of Bengal have seen the answer in question.

(h) The matter will be brought to the notice of the Government of India in the communication referred to in the answer to (f)."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXIX. (a) Will the Government be pleased to lay on the table copies of the correspondence that has passed between the Government and the High Court on the question of extension of the system of trial by Jury to all those districts in the Presidency in which it is not at present in force? Extension of the system of trial by jury.

(b) Will the Government be pleased to state what effect, if any, has, so far, been given to the Resolution on this question moved by the Hon'ble Babu Akhil Chandra Datta and accepted by this Council?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(a) and (b) The question is now under the consideration of the Government of India, and Government are unable to lay any correspondence on the table at the present stage of the case."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Darjeeling Brahmo Samaj.

XXX. With reference to the answer given to my unstarred question No. XLIV of 18th December, 1917, will the Government be pleased to state what further action has been taken by the Government to bring relief to the Darjeeling Brahmo Samaj in the matter of their grievances against the local Municipality?

Answer by the Hon'ble MR. O'MALLEY :—

"There has up to the present been no occasion for Government to take further action."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Improvement of water-supply in Manikganj.

XXXI. With reference to the answer given to my unstarred question No. LVII of the 7th August, 1917, and question No. XXV of the 4th September, 1917, will the Government be pleased to state what steps have been taken to improve the water-supply and health conditions in Manikganj subdivision.

Answer by the Hon'ble Mr. O'MALLEY :—

"A copy* of an extract from letter No. 4765, dated the 30th November, 1917, from the Collector of Dacca to the Commissioner of the Dacca Division is laid on the table."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Case of officiating Munsifs.

XXXII. (a) Will the Government be pleased to lay on the table a list of officers who are officiating as Munsifs in permanent and leave vacancies and as temporary additional Munsifs, showing :—

(i) the dates of their first appointments,

(ii) the period of their service in such appointments, and

(iii) the present age of each officer?

(b) Are the Government aware of the complaint that has been made that the case of these officiating Munsifs is a hard one and that they find it very difficult to maintain the dignity of their position?

(c) Is it a fact that there is a great congestion in the grade of officiating Munsifs?

(d) Is it a fact that these officers have to wait for four or five years before confirmation and that invariably they are not confirmed till they reach the age of 33 or 34 years?

Answer by the Hon'ble MR. KERR :—

"(a) A Statement† containing the particulars wanted by the Hon'ble Member is laid on the table.

(b) No.

* Vide Appendix (

† Vide Appendix B.

Questions and Answers.

(a) It is a fact that the number of Munsifs on the officiating list is excessive. [illegible] number was in excess of normal requirements was observed in the beginning of the year 1918. Recruitment was therefore reduced, and [illegible] rate has since then been consistently maintained. It is hoped that by the close of the current year, the list will be in keeping with the requirements of the service.

(b) For some time, it has been the case that officiating Munsifs receive their first sub. *pro tem.* appointment at the average age of 31 years, and 3 years after the first appointment. Similarly they have been confirmed at an average age of 32 years, and, in general, 4 years after their first appointment. With the reduction in the number of probationers, these periods and the average age will, it is hoped, be gradually reduced."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XXXIII. (a) What is the average number of vacancies in a year in the permanent cadre of the Provincial Judicial Service due to retirement and promotion to listed posts since the creation of a separate cadre for Bihar? Prospects in the Provincial Judicial Service.

(b) What was the number of such vacancies in each of the years 1915, 1916 and 1917?

(c) Is it a fact that the total number of munsifs is 245 and that the average number of vacancies in consequence of retirement has been reduced to about 9 or 10 a year, since the creation of a separate cadre for Bihar?

(d) Are the Government aware of the grievance that is felt by the members of this branch of the service that they can only expect to become Sub-Judges at or about the age of 25 or 53 if the present state of things continues?

Answer by the Hon'ble MR. KERR :—

"(a) The average number of vacancies from all causes since the separation of the cadres in 1912 is about 12.

(b) In 1915, 10; in 1916, 15; in 1917, 11.

(c) The total number of munsifs is 245, to which should be added 6 additional munsifs who are practically permanent. The average number of annual vacancies due to retirement alone during the last six years is 8.

(d) A complaint of this nature has been made, but conditions have improved in recent years. The ages of officers appointed in the early part of 1916 to be Subordinate Judges substantive *pro tempore* ranged from 50 to 54 years. The ages of officers subsequently so appointed have been between [illegible] and [illegible] years. The munsifs who on the 1st January last were officiating as Subordinate Judges were aged between 44 and 48 years."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XXXIV. (a) Are the Government aware that sessions in schools commence in the beginning of January, and that owing to the transfer of Judicial officers during the Puja holidays, the sons and wards of Judicial officers find it difficult to appear at the annual examinations which take place in December in a new school where the text books are different? Transfers of Judicial officers.

[illegible] of [illegible] or of the [illegible] Christmas holidays?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(*a*) It is the case that from a few of the officers transferred during the Puja vacation, applications for postponement of transfer on the grounds suggested have been received by the High Court. These were considered and disposed of on their merits. There is, however, no reason to believe that Judicial officers in general find it difficult to make suitable arrangements.

(*b*) No.

(*c*) Since the year 1880 it has been the practice to make general transfers with effect from the re-opening of the Courts after the Puja vacation. In the opinion of the Hon'ble Judges the advantages of this practice outweigh any possible disadvantages."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Rented accommodation for Calcutta Police.

XXXV. (*a*) Will the Government be pleased to state what houses were rented for the Calcutta Police during the period 1912 (April) to 31st January, 1918?

(*b*) Which of these houses are still in the occupation of the Department and for what purposes?

(*c*) With reference to the answer to the above question, will the Government be pleased to state with regard to each house—

(*i*) the average rent received by the landlord in each case for 3 years previous to occupation by Government;

(*ii*) the rent settled with Government;

(*iii*) the name of the officer who negotiated, or chiefly negotiated, the terms of settlement in each case between the landlord and Government;

(*iv*) in case of residential houses—

(*1*) the Municipal tax paid for each quarter for each such house;

(*2*) the Municipal valuation of each such house; and

(*3*) the approximate rent which such a house is expected to fetch on such a valuation?

Answer by the Hon'ble MR. KERR :—

"(*a*) (*b*) (*c*) (*ii*) and (*iv*) (*1*) A statement* giving information regarding the rented premises at present in the occupation of the Calcutta Police is laid on the table.

(*c*) (*i*) and (*iii*) and (*iv*) (*2*) (*3*) It is considered that no useful public purpose would be served by directing the enquiries required for the collection of this information."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

Case of a Muhammadan Police Sub-Inspector.

XXXVI. (*a*) Is it a fact that a Muhammadan sub-inspector has been transferred from the Criminal Investigation Department to be a junior officer of a thana to make room for one Satya Pada Chatterjea (or Sakti Pada Chatterjea) who is junior to the said Muhammadan sub-inspector?

(*b*) Are the Government aware that one result of this transfer will be to qualify the Hindu officer, and disqualify the Muhammadan, for the post of inspectorship in the Calcutta Police?

Answer by the Hon'ble MR. KERR :—

"(*a*) In the interests of the public service a Muhammadan sub-inspector has been transferred from the Calcutta Detective Department and his place has been taken by the officer named.

(*b*) This is not a fact."

* *Vide* Appendix K.

Questions and Answers.

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

XXXVII. Will the Government be pleased to state the names of the papers to which the free supply of the *Calcutta Gazette* has recently been discontinued, as also how many of them are Anglo-Indian, how many Muslim and how many Hindu? *Free supply of Calcutta Gazette to newspapers*

Answer by the Hon'ble MR. DONALD :—

"The free supply of the *Calcutta Gazette* has been discontinued to all the newspapers named in the answer to question XLIII asked by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at the meeting of the Legislative Council held on the 18th December, 1917. Of these newspapers 5 are Anglo-Indian, 2 Muslim and 11 Hindu."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXXVIII. (*a*) Is it a fact that, in 1915, the District Magistrate of Faridpur cancelled the gun license of Babu Ashutosh Roy, a zamindar of Kabirajpur, and that the local Government, holding his order to be illegal and improper, directed that a license should be given? *Gun license of a zamindar.*

(*b*) Is it also a fact that in December last, the same District Magistrate again suspended the gun license of the said Babu Ashutosh Roy?

(*c*) If so, what were the reasons for this suspension?

(*d*) Are the Government considering the desirability of directing an inquiry to be made into the matter?

Answer by the Hon'ble MR KERR :—

"(*a*) The answer is in the affirmative, except that Government did not direct the issue of a license, but instructed the Commissioner to deal with the matter in the exercise of his revisional powers under the rules.

(*b*) Yes.

(*c*) In connection with the renewal of arms licenses for 1918, it was reported by the police that a serious riot had occurred in September in connection with the establishment of a *hât* by Babu Ashutosh Roy. The Superintendent of Police recommended that the question of renewing the arms license of Babu Ashutosh Roy should be held in abeyance pending the decision of the Court in the resulting prosecution, in which 27 persons who were alleged to have acted on behalf of Babu Ashutosh Roy were accused. The District Magistrate accepted this recommendation

(*d*) Inquiries have been made by the Commissioner, who reports that Babu Ashutosh Roy asked him to set aside the order of the District Magistrate. The Commissioner considered the order a proper one, and declined to direct the District Magistrate to pass a final order before the decision of the criminal case. Government see no reason for intervening in the matter."

LIST OF BUSINESS ITEM No. 2.

The Hon'ble MR. DONALD laid on the table a statement* containing the information promised in his reply to question No. XXXV (unstarred) regarding the number and the nature of criminal cases for offences committed against the provision of the salt laws, asked at the meeting of the Bengal Legislative Council held on the 19th February, 1918.

* *Vide* Appendix L.

Revised Financial Statement : Resolution.

Mr. Provash Chunder Mitter.

LIST OF BUSINESS—ITEM No. 3.

THE REVISED FINANCIAL STATEMENT.

The Hon'ble SIR HENRY WHEELER presented the Revised Financial Statement for Bengal for 1918-19.*

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APPENDIX TO THE LIST OF BUSINESS—ITEM No. 1.

The Hon'ble MR. PROVASH CHUNDER MITTER moved the following resolution :—

"This Council recommends to the Governor in Council that—

(a) a sum of one lakh be provided and a staff be temporarily deputed for a period of one year for organizing village union societies in villages with a population of over 2,000 ;

(b) this sum be met from the provision of Rs. 6,64,000 allotted for construction of buildings in connection with the partition of the district of Midnapore.

He said :—

"My Lord, about the importance of mapping out the province into a number of village union societies, I believe the Government and the public are of one mind. It is a question of the utmost importance and whether it be in the region of Local Self-Government or of Provincial Self-Government that the civic life of the province should be properly organized. Some time ago I put a question inquiring as to the rate of progress we have made in the past and the time it will take to map out the province into village union societies and the answer given was that it would take 104 years. If it takes 104 years, then, for all practical purposes, it is of no use to the province or to the Government or to the public. I am quite aware that Government is anxious to go on with the work of formation of village union societies as speedily as it can, and from certain items in the Budget—I mean the item for the provision of Sub-Deputy Collectors—I rather think that the Government desires to take up the question in right earnest, and although the public and the Government are agreed on the question, it is perhaps just as well if we examine the situation as shortly as possible ; I have handed over a certain table to some of the Hon'ble Members—I am sorry I had not a sufficient number to be distributed to all members—and they will find from that table that the total population of the province, as we all know, is about 45 millions. Out of that only 3 millions live within municipal areas. With regard to the remaining 42 millions the problem is how they are to be brought within the amenities of organized civic life. It is a very important question and it is hardly necessary for me to point out that 42 millions out of 45 form the bulk of our population. Now, this 42 millions of our population live in the rural area. The total rural area is about 67,000 square miles out of which 45,000 square miles is the total cropped area and 10,500 square miles is the total forest area. So that if we take the total of the cropped area and the total of the forest area we find that the total of the inhabited area is about 11,500 square miles. That area, of course, is scattered over the whole province. Now, the introduction of organized civic life into this area of 11,500 square miles being the problem, the question arises as to how to solve it. From a reading of the District

* Not printed in these Proceedings.

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Administration Committee's report and from certain conversation I had with some of the officers, I believe that the view which finds favour now is to map out each district into geographical areas and form village union committees in such areas. My point is that, if we proceed on this line we are sure to meet with various difficulties. Each of these geographical areas will be about 8 to 10 square miles according to the District Administration Committee's report. In various places such areas are densely populated and in others the population is thin. In some places the density is something like 2,000 in the square mile and it, therefore, stands to reason that such places are more important both as regards men and money than areas where other population is thin. For that reason I suggest that we should start with villages with a population of over 2,000. I have handed over another table to some of my hon'ble friends, the figures shown therein will perhaps be found useful. I have already mentioned the total of the inhabited area and in that area some of the villages and towns with a population of more than twenty thousand are within municipal administration. With regard to villages and towns with a population of ten to twenty thousand the total number is 48 and the total population is 674,185. Out of this 48, only 40 are within municipal administration or cantonment limits, and 8 are non-municipal towns. In the second group will be found towns and villages with a population of five to ten thousand. Their number is 162 with a total population of 1,084,422. Out of these 162 towns and villages, only 34 are within municipal administration. so that the total number of non-municipal towns and villages in the second group comes up to 128 with a population of 833,007. The Council will observe that the total population excluded from municipal areas are comparatively small. The next group which I propose to take up comprises villages and towns with a population of from two to five thousand. Their total number is 1.758 with a population of 4,858,299. Out of these 1,758 towns and villages, 17 only are within some sort of municipal or cantonment administration. So that the total number of non-municipal towns and villages in this group is 1,741 with a population of 4,807,163. Then, in the next group will be found towns and villages with a population of from one to two thousand. Their number is 6,134 with a total population of 8,278,424. And out of these 6,134 towns and villages not one is under municipal administration. After an examination of these figures we find that the number of non-municipal towns and villages with a population of more than two thousand is 1,877 with a total population of 5,151,870 and the number of non-municipal towns and villages with a population of more than one thousand is 8,011 with a total population of 13,430,294. So that roughly speaking about one-third of the population of the rural area is under no municipal administration. So my proposition is this : If we start with towns and villages with a population of over two thousand which have no municipal administration then it is not at all difficult to assume that perhaps, by local taxation, about which there will be powers under the proposed new Act, it will not be difficult to raise some five or six hundred rupees from two or three thousand people. The question of taxation is an important one. It will certainly be necessary to raise taxation higher later on. But as a beginning the presumption may be made that a particular place with a population of two or three thousand is likely to yield a better amount as its inhabitants are likely to pay better and to interest themselves in public affairs more than, say, a village with a population of 250. If we proceed at our past rate it will take 104 years to bring all villages under municipal administration, following the geographical scheme. But if we follow in the line set out in my resolution it will be quite possible, I expect, that most of our villages will be organized into unions within a comparatively short time and will give more satisfactory results than the geographical scheme. It may be said that there is no necessity to get a staff temporarily for this

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purpose. I will speak to the Council presently on this point. I am aware that there is the District Magistrate who is anxious to do his best. There is also the District Board. Now, let us first take the case of the District Magistrate. He is a person of multifarious duties. He is the head of several branches of district administration and however anxious he may be to develop the village unions, he cannot do so without an adequate staff, as his time is more than fully employed. At any rate the fact remains and our past experiences also shows and shows, conclusively, that from 1913 to 1918 we have progressed at such a bad rate that by leaving matters in the hands of the District Magistrate, it will take 104 years to develop village unions; but according to my proposal it will only take about 20 or 25 years at the most. What I suggest is that a staff of this kind, namely, a senior civilian with four or five Deputy Collectors in charge of each division, assisted by the necessary number of subordinate officers, like Sub-Deputy Collectors, may begin work to organize unions in villages with a population of over 2,000, whose number, as I have already said, is 1,877. If you depute a senior civilian who is conversant with local conditions, who knows the people and can talk to them, and if he is well assisted with a number of subordinate officers who have specialized themselves in this kind of work, I venture to think that the work will be more satisfactorily and far more speedily, done. There is one other point. It may be said why not leave the work to the District Board. My objection to this is that a District Board has only one well-paid official and he is the Engineer. And with all due respect for his calling, I must say that by training he is not quite the fittest man to do organizing work of this nature. If I am right then it must be some other type of man and I think officers of the type I have suggested will be the best agency to carry on this kind of work.

I have suggested that the amount necessary may be taken from the provision allotted for construction of buildings in connection with the partition of the district of Midnapore. That requires a word of explanation. There are two partition schemes—Midnapore and Mymensingh. I am aware that these schemes have been fully discussed, local opinions have been consulted and then they have been accepted. I do not want to go behind that. But what I do say is this: that since August last and also since the policy inaugurated by Your Excellency's Government about the appointment of non-official Chairmen to District Boards and regard being had to the principles of likely reforms in future, whatever these reforms may be, it may be necessary that our ideas of the partition of districts may have to be revised. The districts may perhaps have to be in smaller units or it may be possible that some departments may have to be worked separately. So my point is this—I do not oppose the question of acquisition of land in the case of construction of buildings for you get the equivalent of money in land—but, as in the Mymensingh prison, later on, say after 4 or 5 years, it may be necessary in the light of new experience to alter our ideas about the selection of the site of the district town and the buildings already constructed may prove to be of no use then. Our experiences at Dacca and other places show how easily large sums of money may be thrown away. The partition of Midnapore will not be completed within a year in any case, and a further delay of one year, without disturbing the scheme of partition, will shew Your Excellency's Government what the future will be. That being so, I submit that if the money be spent on the village union scheme it will be spent for a far more necessary purpose, however important the partition of districts may be."

The Hon'ble BABU SURENDRA NATH RAY said:—

"I support with a whole-heart this resolution of my friend Babu Provash Chunder Mitter. Your Lordship is probably aware of the fact that

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the Local Self-Government Act was passed in the year 1885 during the administration of His Excellency Lord Ripon as Viceroy and Sir Rivers Thompson as Lieutenant-Governor of Bengal. In the year 1883 in anticipation of the passing of the Local Self-Government Act a special officer was deputed by Government to frame schemes for the formation of village committees which the Government thought would have to be introduced as soon as the Local Self-Government Act was passed, and Mr. Westmacott, the special officer appointed to frame this scheme, was ready with a scheme of 180 union committees in the year 1885 to be introduced in seven of the most enlightened subdivisions of the Presidency, Burdwan and Dacca divisions. But as a matter of fact no attempt was made to give effect to this scheme and we find that in the year 1913 only 61 union committees were formed in Bengal though the Government were ready with a scheme to introduce 180 union committees so far back as the year 1885, and though a special officer was appointed to give effect to the recommendation of Government, it appears that nothing was done by Government for 30 years. In answer to a question of my friend, the Hon'ble Babu Bhabendra Chandra Ray, at the last meeting of Council, Your Excellency's Government was pleased to give a reply to the effect that during the years 1916-17 Government sanctioned the formation of 150 union committees but that as a matter of fact 107 union committees have been created. That shows that there were about 35 union committees created each year. My hon'ble friend, Mr. Mitter, has told Your Excellency's Government to-day that it is necessary to create at least 1,800 union committees throughout Bengal. So at the rate of 35 union committees per year it would take, I think, more than 50 years to create the necessary number of union committees throughout Bengal. But the rate at which union committees have recently been created is a much better rate than that at which union committees were created for the first 30 years, namely, from the year 1885 to 1913, that is, at the rate of two union committees per annum, as only 61 union committees were created in the course of 30 years. It would have taken then, I think, about 900 years for the formation of all these union committees. That these union committees are absolutely necessary was admitted by Sir Alexander Mackenzie when he was Lieutenant-Governor of Bengal. During his administration there was a water famine in Bengal and he found that there was no organization in Bengal for excavating tanks and giving relief to the poor people. I know Government is fully alive to the necessity of creating these union committees. Your Lordship's predecessor in office, Lord Carmichael, said as follows :—

'You wish to ensure the money being spent to the best advantage of those who want to help. It seems to me that there is only one way of ensuring this to entrust the choice of the work to the villagers and leave them as far as possible to carry it out under your supervision. This is the essence of Local Self-Government and as the principle of circle system so strongly advocated in the District Administration Committee's report a system, which, though I may not see it during my term of office, will, I hope, one day spread itself all over Bengal.'

I think the best way to give effect to this scheme would be to appoint a number of officers to be in sole charge of all these union committees and see that they are created as early as possible."

The Hon'ble SIR S. P. SINHA said :—

"My Lord, I think both the Hon'ble Members who have already spoken on this resolution have cordially acknowledged the fact that the Government is convinced of the desirability of the formation of union societies and of village committees throughout the whole province and that steps have been taken, and are being taken, as quickly as possible under the circumstances, for that purpose. But I venture to think that both my hon'ble friends were unduly

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pessimistic as regards the rate of progress in the past. The figures of existing union societies and the areas in which they have come into existence are as follows :—

At the end of	1913-14	there were	66.
"	1914-15	"	76.
"	1915-16	"	84.
"	1916-17	"	157.

So during that year there were 72 union societies formed in the province and at the present time there are 250 sanctioned. and we have every hope that they will be formed by the end of the year ; so that though the rate of progress up to 1913 was slow, as the Hon'ble Babu Surendra Nath Ray has pointed out, and though even after 1913 the rate of progress left much to be desired, I think, it cannot be said with justice that from 1915 there has not been, if I may say so, a spurt put on ; and even assuming that there is no further acceleration in the rate now in progress, we hope to have the whole province mapped out within a fairly reasonable time. But I do not for a moment suggest that we intend to adhere to the present rate ; we hope to make it much quicker. The difference between us is, firstly, as to the rate and, secondly, as to the method by which this progress is to be given effect to. As to the rate, I have already given the figures which, I trust, will convince the Council that recently the rate has been much accelerated. As regards the method, my friend, the Hon'ble Mr. Mitter, considers that it would be quicker to do it not according to the geographical limits of districts and divisions, but to take larger and more populous villages and form unions in them before other villages are taken in hand. Now, there is a considerable difference of opinion as to whether that would be the quicker method or not ; but I would ask my hon'ble friends to consider this fact, which, I think, they have ignored, *namely*, that within a little more than a fortnight from to-day, viz., on the 4th April, I hope to be able to introduce the Village Self-Government Bill which contemplates the formation of village committees throughout the province and defines the functions which will belong to them and the procedure by which they are to be formed. Therefore, I venture to think that it would be premature to consider the question of the staff or the method by which this is to be given effect to, until the Council has discussed the nature and functions of these union committees which we propose to form. On the 4th April, we propose to introduce the Bill, subject only to the proviso that the Secretary of State does not veto the proposed Bill in the meantime. I would, therefore, ask the Council to defer the consideration of this question until the Village Self-Government Bill is before it. In the meantime, let me tell the Council as to what we have been doing in the matter of increased staff. There are at present 40 Sub-Deputy Collectors employed as circle officers, one of whose principal duties is to assist in the formation of these union societies, and I may claim for them fairly that their work during the last two years has been satisfactory, having regard to the numbers I have already quoted. We have already applied for sanction to have a staff of 238, in place of the 40, whom we now employ—238 will include a leave reserve of 38. It is obvious that we have to wait for sanction before we can employ them and even when we do get sanction, we do not expect to be able to employ them all at once, but gradually as the work progresses and as funds permit. That is the ideal we have set before ourselves as to increased staff, for the purpose of carrying out, amongst others, the mapping out of the whole province into union societies, so far as regards the rate of progress.

As regards the method, as I have said, there is room for considerable difference of opinion, and my friend thinks that by proceeding district by district we should not get on quickly. We, on the other hand, think it is better to proceed systematically and district by district. Let me point out to the

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Council that it is not so difficult, as my friend imagines, to do it district by district. We have done it already with regard to one of the largest districts, *namely*, Dacca; we have done it almost entirely with regard to another fairly large district—Rangpur. There is no reason why, with the same method and with increased staff, we should not be able, within, neither 104 years as the Hon'ble Mr. Mitter thinks, nor 50 years as the Hon'ble Babu Surendra Nath Ray thinks, but, within a fairly reasonable time to proceed systematically and divide the whole of the province into village committees as proposed by our Bill. But the reason why, even if we get sanction for 238 officers, we cannot do it all at once is this: we cannot possibly spare 238 officers out of the general staff that we have and it is not easy to get officers on the spur of the moment to do this particular special work which requires a certain amount of discretion and a great deal of knowledge with regard to the areas involved. Therefore, I wish to point out three things to this Council: *firstly*, that we should await until we know exactly the nature and functions of the village committees that are going to be constituted under the Act; *secondly*, that it would be better to proceed systematically and scientifically in the way we have been doing, district by district, and not to take a number of villages scattered all over the province, the difficulties will only be increased if we have subsequently to revise the areas; and, *thirdly*, we have already applied for a large increase in the staff, and we hope, with increased staff, to accelerate the rate of progress very much further. There is no reason to apprehend that it will be an unreasonably long time before we can initiate the system in its entirety. For these reasons, I would ask the Council not to accept this resolution, but I can assure my friend that the matter is receiving the most earnest and serious consideration of Government and we are anxious to get on as quickly as we can."

The Hon'ble MR. PROVASH CHUNDER MITTER said:—

"My Lord, if my hon'ble friend's assurance about the formation of village union committees at an early date really carried conviction with me I would have hesitatingly withdrawn this resolution. But, from the figures which my hon'ble friend has himself quoted, namely, that in the year 1917-18 the total number of village committees formed was 156 and in the current year the total number of village union committees which he expects will be formed will be 250, I would ask the Council to examine what time it is likely to take. I admit at once that the position is far better than the previous estimate 104 years; but taking at the rate of 156 the position is this: the total area is 67,000 square miles and the average area is 10 square miles; therefore, we want about 7,000 village union committees according to the present idea of Government, that is, at the rate of 156 a year—that was the rate of last year—it would take about 42 or 43 years. Now, at the rate of 250 a year—the rate promised to us—it will take about 26 or 27 years. I fully appreciate the difficulties of the Government in this matter, yet if I press for this resolution, I do it in the hope that energetic action in this direction will ultimately minimize many of the difficulties that confront the Government at the present moment. Now, my Lord, whether the period be 26 to 27 years or 42 to 43 years is not at all a speedy solution.

The next point of my hon'ble friend is this: that the Village Self-Government Bill will be introduced in April next, subject of course to the sanction of the Secretary of State. We all know what delay takes place before the necessary sanction is obtained and what further delay often takes place before a Bill is passed into law and in bringing the Act into working order, but every moment is precious, and if in the meantime the Government will have formed a large number of village union committees the Act will come into force under improved conditions, whereas delay will add to the difficulties of the

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Sir S. P. Sinha.

situation. Therefore, however, cogent the reason may be that any big scheme ought to wait till the Act is passed, it is no reason why an attempt should not be made to form societies in respect of about one-eighth or one-sixteenth of the population in rural areas.

The next point of my hon'ble friend is that an improved staff is expected and that 40 Sub-Deputy Collectors have been working. I thank my hon'ble friend for this information; but these 40 Sub-Deputy Collectors have succeeded only in creating 156 village union societies in the year 1916-17. In the previous year, only 84 village union societies were created; there must be some reason for this apparent inadequate result,—for 40 Sub-Deputy Collectors to succeed in creating either 156 in one year or about 240 in the course of two years is certainly not a very good result. It is for this reason that I ask the Government, with all the earnestness that I can command, to examine their methods of creation of village union committees with those suggested by me. My friend has said that the method of proceeding district by district is the most systematic method. I quite admit it—I have not suggested that we should not proceed district by district. What I have suggested is that in each district there are a large number of populous areas—comparatively more populous than other areas. Take up the comparatively more populous areas and try the experiment at any rate in some of such areas and compare the results with your own method. That is all I ask for because my resolution, even if accepted, will mean the formation of union committees in something like one-eighth or one-tenth of the total area. I do not claim that my suggestion is necessarily better than the method followed by the Government. I do believe there is no school as the school of experience and if the past results have not been very satisfactory do not follow that method, but give the other method a trial as well and then form your own judgment. I am glad to hear that in the districts of Dacca and Rangpur there have been gratifying results. Next to Howrah, which I believe has a density of about 1,850 to the square mile, Dacca is one of the most populous of districts. It is a district where a large number of *bhadralogs* still reside in the villages. It is also a district to which much attention has been paid by the District Administration Committee as also by the Government. Well, if the results have been gratifying in Dacca it is certainly a matter for congratulation, but that is no reason why the other experiment should not be tried. say in Howrah. Now, as regards Rangpur. I would venture to make a shrewd guess. I may be wrong, but I know that the Collector of the district is enthusiastic in the matter and it may be that his enthusiasm had something to do with this satisfactory result. The limited success in Dacca and Rangpur ought not to stand in the way of a trial of my suggestion in other districts or in different localities of the said two districts.

My Lord, my hon'ble friend has asked us to wait till the Bill is introduced. May I suggest that the consideration of this resolution be postponed for say six months for the reason that after the Bill is passed we may have an opportunity of discussing this matter. I do not wish to press the resolution if that assurance is given."

The Hon'ble SIR S. P. SINHA said:—

"I can give the assurance if that assurance will satisfy the Hon'ble Member that this matter will receive the continuous attention of Government both before the Bill is passed and after the Bill is passed and any suggestions from my hon'ble friend in the meantime will receive our earnest consideration."

Resolutions.

Mr. Provash Chunder Mitter; Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble MR. PROVASH CHUNDER MITTER said :—

"In that view, I do not want to press this resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. II.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that—

(*a*) provision be made in the Budget for the appointment of 17 District agricultural officers for each of the districts in the Presidency of Bengal, where there is none at present, and

(*b*) the necessary amount be taken out of the grant provided in the Budget for the acquisition of land in connection with the partition of Mymensingh.

He said :—

"My Lord, in spite of a dislocation in business and financial arrangements caused by the war which has been embarrassing for some time past to the export trade of our country, it is a matter of great satisfaction to note that the Hon'ble Sir William Meyer has rightly observed in his financial statement for 1918-19 that 'our satisfactory revenue position is largely due to favourable agricultural conditions.' Again he remarks that 'the very favourable agricultural conditions which India has enjoyed have more than counterbalanced the *primâ facie* unfavourable factors' referred to in the Budget. Other heads of revenue under Posts and Telegraphs and Excise which show material increase are owing to favourable agricultural conditions. Their results are reflected in the still further advance of railway earnings.

The agricultural industry is, undoubtedly, the most important in our country, employing by far the largest number of our countrymen, and providing food supplies and raw products, such as cotton, jute and indigo, that are of great importance in times of peace as well as in time of war. It is surprising that our benign Government are not doing much for the agriculture to increase the productivity of the land and also to increase the income of the cultivators who are now not in prosperous condition. It has been authoritatively stated recently in the columns of the *Englishman* that 'it is not too much to say that in the war that is now being waged Germany has derived incalculable assistance from the scientific development of her agricultural resources. The agricultural chemist has so improved land of poor quality like sand-dunes and moor-land, by treating it with potash or substances containing phosphoric acid, and by planting it with crops that gather nitrogen from the air, that in 20 years Germany has been able to increase the yield of potatoes in tons per acre by 58 *per cent.* and wheat by 60 *per cent.* But this is the common experience of countries that run agriculture on business lines, and the sooner the Government formulates an agricultural policy and carries it out the better will it be for the staple industry of India.'

Mr. Smith, Deputy Director of Agriculture, Bengal, rightly makes the following remarks in the Annual Reports of Expert officers of the Department of Agriculture, Bengal, for the year ending 30th June, 1917, page 5 :— 'From the work that has been done by each Association in the past, I am convinced that when an agricultural officer has been appointed to each district, each Association will become the centre for real work.' I understand from the Annual Report of the Agricultural Department that district agricultural officers have now been appointed to the following districts, viz., Dacca, Mymensingh, Faridpur, Bakarganj, Tippera, Noakhali, Pabna, Malda,

Resolutions.

Rai Mahendra Chandra Mitra Bahadur

Rangpur, Bogra, 24-Parganas, Bankura, Birbhum and Midnapore. It is a matter of great surprise that the rest of the districts in our province is still without district agricultural officers. I find in the Civil Budget estimate that provision has been made for three such officers, but I fail to understand why provision has not been made for the rest of the districts for the development and proper supervision of this most important industry.

My Lord, I am not prepared to touch on the desirability or otherwise of partitioning the district of Mymensingh. But I am in a position to show by a comparative statement of the position of other districts.

My Lord, in 1899, the proposal for the partition of the district of Mymensingh was revived in connection with Mr. Savage's enquiry on the notoriety of the district for outrages on women. The proposal was, however, rejected by Government on grounds of expense.

At the present day there is no reason to suppose that outrages on women are more common here than in other districts.

'The great majority of petty criminal cases have their origin in land disputes, although they often appear under the guise of rescuing cattle from the pounds or petty assaults' (*vide* page 121, District Gazetteer of Mymensingh by Mr. F. A. Sachse, I.C.S., Edition of 1917).

I quote the following figures from the Report of the District Administration Committee, page 39, for consideration of Your Excellency's Council and the tabular statements will speak for themselves :—

Offences reported to Courts—

Mymensingh	20,239
24-Parganas	39,953

Cases tried by Magistrates—

	Original.	Appeals and revisions
Mymensingh	11,894	365
24-Parganas	34,281	268

Number of witnesses examined by Magistrates—

Mymensingh	35,983
24-Parganas	47,444

Collector's correspondence—

	Receipts.	Issues
Mymensingh ...	33,899	38,456
24-Parganas ..	30,591	37,451

Total Land Revenue—

	Rs.
Mymensingh	8,79,093
24-Parganas	17,98,256

Government Estates—

Area.	Revenue. Rs.
Mymensingh 67·1 sq. miles	1,09,987
24-Parganas 163 sq. miles	3,96,832

Number of Municipalities total income—

Municipalities.	During 1915-16. Rs.
Mymensingh 8	1,64,357
24-Parganas 23	11,57,561

My Lord, from the above statement, it appears that there is no immediate necessity for partitioning this district.

Resolutions.

Mr. Beatson Bell ; Mr. Kerr.

My Lord, it may be necessary to have partition of districts for administrative convenience, but it is a matter for the consideration of the Council whether such kind of work may not be postponed and due attention given to the encouragement of agricultural pursuits. With these observations I commend this resolution to the acceptance of this Council."

The Hon'ble MR. BEATSON BELL said :—

"My Lord, I do not propose to follow the Hon'ble Member into a discussion regarding the desirability or otherwise of partitioning the district of Mymensingh and the desirability or otherwise of acquiring land for that purpose in the coming year. We have debated the question of the partition of Mymensingh very fully on previous occasions in this house and we are going to debate it again in Resolution No. XX, when it will be examined as a straight issue. I propose, therefore, in connection with the present resolution to confine myself to the subject mentioned therein, *namely*, the appointment of district agricultural officers. I can assure the hon'ble gentleman and the house that we are already endeavouring to provide a district agricultural officer for every district in the province. We sent up a scheme to this effect as long ago as 1911, during the time of the Eastern Bengal and Assam Government. The Government of India thoroughly appreciated the scheme and they asked us to introduce it, in the first instance, on an experimental basis. We did so; and we gradually appointed nine district agricultural officers. Quite recently, in October 1917, we wrote up to the Government of India and told them what we had done and assured them that the experiment was getting on in a most satisfactory manner. We, therefore, asked them to sanction the introduction of district agricultural officers in every district throughout the province. We assured them that, for two reasons, we did not intend to make all the appointments in one year. In the first place it was necessary to look about and to get officers of the right stamp before appointing them. In the next place, it was an important part of the scheme to establish district farms where the officers could test agricultural improvements before recommending them to the raiyats. The Government of India have sanctioned our scheme and have sanctioned our proposals for introducing it. As regards the cadre and its expansion, I do not think that the Hon'ble Member has got the right figures. At present, there are 26 districts; we have already appointed 12 district officers and we intend to appoint five more in the coming year. That will bring the number up to 17, and there will then remain only nine districts. We hope that in the course of a few years (say 5 or 6 years at the most) these nine districts will be provided with the officers whom the Hon'ble Member desires and whom this Government desires as much as he does. I hope that, in these circumstances, he will not press his resolution, but will work along with Government to bring about our common object."

The Hon'ble MR. KERR said :—

"My Lord, I do not propose to go into the general question of the partition of the district of Mymensingh, because, as the Hon'ble Mr. Beatson Bell has remarked, this matter will come up at a later stage of this debate. But as the Hon'ble Rai Mahendra Chandra Mitra Bahadur has given the Council certain statistics, it is desirable that I should supplement them. Of course, it is well known that statistics in skilful hands can be made to prove anything; but the statistics which I shall give will, I think, show in a conclusive manner, how extremely urgent the necessity of partitioning

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Rai Mahendra Chandra Mitra Bahadur.

Mymensingh really is. The area of the Mymensingh district is 6,249 square miles. It is far the largest district in this part of India. Its population in 1911 was 4½ millions; it is now probably over 5 millions. In 1873, the area of the district was the same, but the population was less than 2½ millions. In other words, the population has doubled during the last 45 years. The work of the district officer has far more than doubled. The most striking proof of this is perhaps that in 1873 the number of pleaders in the district was only 52. There are now more than 400 pleaders and barristers in the district, besides 384 mukhtars and 96 revenue agents. Most of these gentlemen, I hope, are earning a comfortable living, and it can be imagined what these figures mean in the way of increase of work in the courts and public offices of the district. This increase is reflected in the increase of staff. I will not weary the Council by giving the detailed figures, but in every department, civil, revenue and criminal, the staff has more than doubled since 1870. As the District Administration Committee remarked, either the work of the district officer at Mymensingh, in 1873, was ridiculously light, or it is now intolerably heavy. We know from experience that the work of a district containing a population of 2½ millions is by no means light. The work is quite as much as any district officer can cope with. The only possible conclusion, therefore, is that for many years past the district officer of Mymensingh has been intolerably overworked, or rather that the burden which has been placed upon him is more than he can discharge. As the Hon'ble Member has shown, there are other districts in this Presidency in which things are nearly as bad, but we are not concerned with them at present. The question before the Council is whether the partition of Mymensingh is necessary or not, and to this, I think, there can only be one answer."

The Hon'ble RAI MAHENDRA CHANRDA MITRA BAHADUR said :—

"My Lord, with reference to the observations made by the Hon'ble Mr. Beatson Bell who has said that there is every chance of appointing these agricultural officers within a very short time, I have very little to say. So far as I can gather from his reply, several officers are to be appointed. I thought it necessary to bring to the notice of the Council that these agricultural officers should be appointed at this stage. As has been already stated by the Hon'ble Member in charge that there is a likelihood of these officers being appointed within a short time, that is, within about three or four years, I do not press my resolution. I entertain the hope that these officers will do good work in the Agriculture Department who, to my mind, are not now doing satisfactory work owing to the shortness of staff.

With regard to the observations made by the Hon'ble M. Kerr, I submit that the figures which I have quoted were compiled by me from the published records. We have not access to the Government records in office, but we gather our figures from the printed papers or reports; I have referred to the report from which I have collected the various statements which I put before the Council. As I said I am neither in a position nor have I any desire to search for records for the fiat has gone forth that the partition of Mymensingh is to be effected. But what I do say is this that the acquisition of land in connection with the partition may be postponed till after the war is over. That is the view which I entertain and that is the view which I thought it necessary to bring before the Council. In view of the assurance given by the Hon'ble Mr. Beatson Bell, an assurance which I cannot overlook, I think, under the circumstances, I must withdraw my resolution."

The resolution was then, by leave of the President, withdrawn.

Resolutions.

Rai Mahendra Chandra Mitra Bahadur; Sir Henry Wheeler.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. III.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that—

(*a*) suitable provisions be made in the Budget for—

(*i*) the Tropical School;
(*ii*) construction of the new Eye Hospital; and
(*iii*) necessary contribution towards the construction of an extension of the Tropical School building to provide for an Institute of Hygiene; and

(*b*) the necessary amount be taken out of the grant provided in the Budget for the acquisition of land in connection with the partition of Mymensingh.

He said :—

"My Lord, I do not wish to put forward arguments in support of my resolution because so far as the last part of my resolution is concerned I have already brought it to the notice of the Council. With regard to the first part of my resolution I submit that it is hardly necessary to state that they are very useful institutions. And I think that no speech or argument is necessary to support my resolution which speaks for itself and I commend it for the consideration of the Council."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, the Hon'ble Member's resolution raises the matter of three projects about the utility of which there is no difference of opinion between us. We are all agreed that they are most beneficial and the sooner they are carried out the better. The question of provision for them in the Budget turns rather on practical possibilities and their desirability in comparison with other schemes. I will take them *seriatim* and briefly describe the position, and in the light of my remarks I trust Hon'ble Members will be satisfied that any alteration of the Budget in this respect is unnecessary.

In the first place, the Tropical School is an accomplished fact; the building is already standing in Calcutta (and a very fine building it is), merely awaiting equipment and professorial staff. Unfortunately, owing to the war, we can get neither; we shall have to wait until after the war before the school can start on its successful career and these deficiencies can be made good. Even if we put money in the Budget for this purpose we could not spend it.

As regards the Institute of Hygiene, plans and estimates for that are at present being prepared, and we have been promised a contribution of one lakh from the Indian Research Fund Association, which—if we take the probable cost of the scheme to be 2 lakhs—will amount to half the cost. We naturally intend to avail ourselves of this offer, and that is one reason why we are not likely to be remiss in endeavouring to bring this institution into being; another good reason is in order that we can make use of the services of Sir Leonard Rogers, to whose energies and successful efforts in securing contributions from various generous donors, the Tropical School is so much indebted. We cannot hope to keep Sir Leonard Rogers with us for ever, and we wish to start the Institute of Hygiene while he is still in Calcutta. There is, therefore, every ground for getting this scheme started as soon as we can, but there are practical difficulties about the site, which involve the removal of the existing morgue, and these we hope to tackle in the current year, thus clearing the ground for the erection of the building subsequently.

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Rai Mahendra Chandra Mitra Bahadur ; the President ; Dr. Nilratan Sarkar.

Finally, the Eye Hospital, it is true, is a very desirable work. It is unfortunately expensive ; the estimate of cost which was prepared in 1916 was just under Rs. 9 lakhs We have, however, made a beginning ; we acquired land at a cost of about 3 lakhs in 1916, and when it was represented this year that that area would probably be insufficient, we have acquired additional land this year also. But I am afraid, that the actual building must stand over for the present ; we are already spending a great deal in various other directions on Calcutta hospitals, for example, the Medical College servants' quarters and the servants' quarters at the Campbell Hospital, and the Eye Hospital must wait until a more favourable opportunity, probably after the war. There is every intention of carrying it through, but I hope that in the light of these remarks, the Hon'ble Member will not press his resolution."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, with reference to the observations made by the Hon'ble Member in charge, I submit that this question ought to have preference and that money should be spent on it first rather than for the acquisition of land in connection with the partition of Mymensingh. Whether preference should be given to this or that is a question which the Council would decide. My Lord, I do not stand upon a higher plane ; I stand upon a lower plane, but even standing on the lower plane, I submit for the consideration of the Council the question as to which preference should be given—the demands of humanity or regard for administrative work. If preference is given to the acquisition of land, then I stand upon a higher plane. And in this view of the case, I press the resolution for the consideration of the Council."

The motion was then put and lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. IV.

The PRESIDENT said :—

"Owing to pressure of business of a semi-official kind, which he cannot avoid, the Hon'ble Mr. P. C. Mitter cannot move his resolution now. Under these circumstances, I have consented to postpone the moving of the next resolution (Item No. IV in the Appendix to the List of Business) until later in the day. The Hon'ble Dr. Nilratan Sarkar will now move his resolution (item No. V)."

APPENDIX TO THE LIST OF BUSINESS—ITEM No. V.

The Hon'ble DR. NILRATAN SARKAR moved the following resolution :—

This Council recommends to the Governor in Council that—

(*a*) sum of Rs. 1,50,000 be allotted for works required for the sanitary improvement of the Sibpur Engineering College premises ; and

(*b*) the expenditure be met out of the sum of Rs. 6,50,000 provided for land acquisition, Mymensingh partition.

He said :—

"My Lord, the Sibpur Engineering College has been in existence on its present site for about the last 40 years. But the sanitary condition of the place has been a troublesome question during this long period. At one time it was very bad ; it is better now, and malaria, typhoid fever and dysentery are not so common now-a-days as they were ten years ago. Some improvement has undoubtedly been made, but much more remains to be done. My Lord, the Government mind has passed through different stages of indecision as regards the question as to whether the College should be retained in its

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present site or not—and I do not believe that Government is certain about it as yet—there was a proposal at one time for removing the College to Ranchi on, amongst others, sanitary grounds. Then there was another proposal, viz., that of selling the College premises to the Port Commissioners; and one of the alleged grounds for taking that step was the bad sanitary condition of the locality and removing the College to Dacca. I hope that the Government has now seen the necessity of having a higher grade Engineering College in or somewhere near Calcutta and that, in spite of the fact that a second school of engineering may be necessary at Dacca. I do not know what the recommendation of the Industrial Commission will be in this connection. I know the decision of the Government will be very much influenced by the opinion of that Commission. But at the same time we feel that there is a necessity of having a higher grade Engineering College in or near Calcutta; and if an Engineering College is to be maintained in or about Calcutta, we cannot think of a better site than the present one. There is no reason why this site could not be improved and made as good as any in the town or at any other place near it, provided that funds be forthcoming. I know there are some difficulties, but there are none that cannot be remedied or removed. The most prominent of the difficulties is the existence of the Howrah trenching-ground in the neighbourhood of the College. This trenching-ground must be removed from that site sooner or later; and I hope the Howrah Municipality will not only see the desirability, but also the urgent necessity of removing that source of nuisance from the neighbourhood of one of our largest colleges in Bengal. No doubt this will entail an additional amount of yearly expenditure upon that municipality, but I am afraid that this cannot be helped. As regards improvements in general sanitation there are many items on which improvements are required and the Sanitary Commissioner has inspected the site with a view to report on the matter. I believe a very large sum will be required, but I think that with a lakh and fifty thousand a beginning may be made as soon as the Sanitary Commissioner submits his report to Government. This matter is urgent and I think the partition of the district of Mymensingh may wait for another year. Certainly the improvement of sanitation of one of the most important Colleges in Bengal should, from one point of view, be considered as a more urgent matter than the partition of a district."

The Hon'ble MR. O'MALLEY said:—

"My Lord, there are two difficulties in the way of Government accepting this resolution. The first is that Government has as yet received no scheme for the sanitary improvement of the Sibpur College. I see that the Hon'ble Mover has proposed to provide a sum of Rs. 1½ lakhs, with which he considers that a beginning might be made; but we have at present no scheme before us and we do not know what amount will be necessary for the purpose. The second difficulty, my Lord, is that if this resolution be accepted, it will prejudge the long debated question whether this College is to be retained on its present site or transferred elsewhere. The Hon'ble Dr. Nilratan Sarkar has briefly sketched the history of that, and it is not necessary for me to enter into it in detail. The question was raised about 13 years ago—in 1905—and two years later a definite scheme was submitted to the Government of India for the sale of the property to the Port Commissioners and for the removal of the College to Ranchi, on account of the unhealthiness of the site. It was then said that neither the students nor the staff could work satisfactorily in such enervating climate. About 4 years ago the Hon'ble Babu Surendra Nath Ray moved a resolution in this Council to the effect that the proposal to abolish the Civil Engineering College at Sibpur be dropped and that the College might be either retained at Sibpur or, if the present site was considered unsuitable, be removed to a suitable site

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Dr. Nilratan Sarkar.

in Calcutta or its immediate neighbourhood, or else be made a branch of the proposed Technological Institute in Calcutta. The debate ended in the resolution being withdrawn on the understanding that the question of the training to be afforded to Civil Engineers could not be completely dealt with and settled, so far as the Government of Bengal was concerned, until the report of the Public Services Commission was received. The report of the Public Services Commission has been published; and last year Government asked Dr. Bentley to make a thorough sanitary survey of the Sibpur site, so that the question whether the site was really healthy or unhealthy might be decided once and for all.

As the Hon'ble Dr. Nilratan Sarkar has said, of late years, so far as can be seen, the health of Sibpur has greatly improved. There being so many contradictory statements about its healthiness and unhealthiness, we thought it our duty to take expert sanitary advice and find out what the exact state of things was. Dr. Bentley was asked to report whether the site was unduly unhealthy; if so, whether that unhealthiness could be remedied and if it could be remedied, by what means, *e.g.*, by improving the drainage or water-supply, and at what cost. Dr. Bentley has not yet been able to submit his report; but I understand that we shall receive it very shortly. I believe that he takes a favourable view of Sibpur, and that he considers that if certain improvements can be made, such as introducing an efficient sewerage system, making arrangements for an adequate water-supply, and also better arrangements for the trenching-ground, to which the Hon'ble Mover has referred, Sibpur can be made thoroughly healthy. When Government receives the report, they purpose to come to a final decision as to whether the College shall be retained at its present site and developed. From what I have mentioned of Dr. Bentley's enquiries, I think the Council may anticipate that there will be a favourable verdict as regards the healthiness of the site. Should it then be decided that the College need not be removed, Government is ready to take up any improvements that may be considered necessary. I would ask the Hon'ble Member to accept this assurance and consider whether in these circumstances he wishes to press this resolution."

The Hon'ble DR. NILRATAN SARKAR said:—"My Lord, in view of the assurance I have received from the Hon'ble Mr. O'Malley, I ask for permission to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS, ITEM No. VI.

The Hon'ble DR. NILRATAN SARKAR moved the following resolution:—

This Council recommends to the Governor in Council that—

(*a*) a sum of Rs. 2,00,000 non-recurring and Rs. 18,000 recurring be allotted for the purpose of extending and improving the laboratories of the Mechanical and Electrical Engineering Departments of the Sibpur Engineering College and also for strengthening the teaching staff concerned for the purpose of raising the departments to the University standard; and

(*b*) the non-recurring expenditure be met out of the sum of Rs. 6,64,000 provided for the construction of buildings, Midnapore partition; and the recurring expenditure be met out of the sum of Rs. 47,61,000 provided for Police force under District Police force.

Resolution.

Dr. Nilratan Sarkar.

He said :—

"My Lord, the level of the engineering education has generally been accepted as the index to the industrial position of a country throughout the world. With regard to India which is a part of a great empire the position is somewhat different in this respect as we have been hitherto drawing, so far as our supply of higher class engineers was concerned, from Great Britain and other countries. But the circumstances have changed and are constantly changing for India. The mechanical engineering classes of the Sibpur Engineering College were started in the year 1880 and the electrical engineering classes have been in existence for the last 20 years. During these years these classes have trained a small number of mechanical and electrical overseers. Matriculated students are admitted into these classes who take training for 3 years when they pass an examination and after that they pass a year in the workshops for practical training and then they go out as mechanical and electrical overseers. They are a very useful class of men in their own way, but I think the time has changed when only that class of men were required. A demand for a higher class of engineers has been suddenly created somewhat by the new conditions that have been brought about by the war. On the one hand, some of our industries are multiplying rapidly. Only during the last two months three factories—two tanning and one iron and steel making-have been launched with a capital of over two crores of rupees. These and other similar industries that will come into existence during the next few years will require a large supply of well-trained mechanical and electrical engineers. On the other hand, we find that the sources from which we were hitherto drawing our supplies for the last 40 or 50 years are restricted for at least a few years after the war. All these conditions have created a necessity for training a higher class of engineers here. My Lord, the days of training by the rule of thumb have passed away for ever. Now-a-days the idea of training mechanical and electrical engineers in this way appears to be quite obsolete to most minds. Theoretical instruction of a very high order must be coupled with practical work for training really qualified mechanical and electrical engineers. The problems of mechanical and electrical engineering can only be tackled by men who have got a really high level of preliminary scientific equipment before commencing the mechanical and electrical studies. The present preliminary standards of the electrical and mechanical departments of the Sibpur Engineering College are much lower than that. It is impossible, for an engineering school to supply the type of men that is wanted for these industries. Then there must be higher teaching for such men. Therefore, besides the needs of the industries there are the needs of education. I can only understand the maintenance of a school when along with it a College is maintained if, for no other reason, at least, for the purpose of supplying teachers to the school. An engineering school can stand only when it can get men of a higher type to perform the teaching duties. My Lord, if any progress is to be made in these subjects whether it be mechanical engineering or electrical engineering, some of the graduates of Colleges must engage themselves in extending the areas of knowledge by research work. There is thus the necessity of having a high class of men. No body can create this class of men ; but facilities for the development of such men should be created. I feel strongly, therefore, the necessity of having the mechanical and electrical departments of the Sibpur College developed into a higher grade College with a subordinate school department attached to it for training assistants and overseers. I trust there is an overwhelmingly strong case for raising the standard of mechanical and electrical departments to the College standard or the University standard. And there should not be a long delay. I know the Government mind is likely to be again in a state of indecision as regards this matter so long as it sits between at least two Commissions—the Industrial Commission and the University Commission. But we have paid the penalty for this sort of

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indecision and it should be removed as soon as possible. Certainly there should be a department in the only Engineering College in Bengal for the extensive as well as the intensive training of mechanical and electrical engineering.

My Lord, as regards the item in the Budget from which I want to draw the money I think the partition of Midnapore may stand for a while in view of the urgent need of developing this College : and the police expenditure which stands at the high figure of 47 lakhs will not suffer much if a paltry sum like what I have proposed is devoted for such an useful purpose."

The Hon'ble MR. O'MALLEY said :—

"My Lord, it is with considerable diffidence that I rise to reply to this resolution. When I first saw this resolution, I was somewhat surprised, because neither the Principal nor the Governing Body of the Sibpur College had approached the Government and asked that the classes for mechanical and electrical engineering should either be extended or improved. I believe that Dr. Nilratan Sarkar is a member of the Board of Visitors, and I therefore fully expected that he would put forward a definite scheme, on which we could obtain the advice of the Principal and the Governing Body ; but he has done no such thing. He has informed us that there will be a demand for a higher class of mechanical and electrical engineers, in view of the greater industrial activity which will ensue after the war. He thinks that the present standard is low and that therefore a sum of no less than 2 lakhs of rupees non-recurring and Rs. 18,000 recurring will be required for the extension and improvement of the classes. It is very difficult for Government to accept a somewhat indefinite proposal of this kind and to agree that a large sum of money should be budgetted for without more tangible reasons. The Budget is generally prepared on the basis of schemes which have been elaborated, and here we have no certain ground to go upon.

The resolution states also that it is desirable to strengthen the teaching staff concerned for the purpose of raising the departments to the University standards. I presume that the Hon'ble Member means that the University courses for the degree of Bachelor of Engineering in mechanical and electrical engineering should be adopted by the College. The Principal himself has never made such a proposal and he is not in favour of it. He considers that the time is not ripe for such an advance and that there is at present no sufficient demand for Bachelors of Engineering in mechanical and electrical engineering to justify the introduction of University courses. His policy is to develop steadily and not to proceed *per saltum*, or to adopt courses for which the equipment at present is not sufficient. An important scheme has recently been put forward, on which the Hon'ble Sir R. N. Mukharji will shortly address the Council, for the development of the mechanical engineering department by arrangements for the training of apprentices. The Principal seems to think that this should be the first line of progress ; for the rest it is desired to expand and improve the laboratories as need arises. When the new scheme of training apprentices is brought into effect, the College will be able to extend its activities. For these reasons, I am afraid I must oppose this resolution."

The Hon'ble DR. NILRATAN SARKAR said :—

"My Lord, it is one of the most difficult questions which we have to decide—the question of whether to raise these electrical and engineering classes to the University standard or not. I do not mean that the College or that department of the College should be at once affiliated to the Calcutta University or that there is a scheme even in the University for these studies. In fact, so far as I know, there is none as yet. What I mean is this ; that there should be a College grade of study apart from the school grade of study

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Dr. Nilratan Sarkar.

that at present prevails in the Sibpur Engineering College in regard to these subjects. I do not really understand why the Principal is against raising the standard in these departments. Well if that be his view and if he thinks that their studies should not be raised to the University standard or the higher standard then we have reasons to differ from him. In fact this is our complaint. It is true, I did not approach the College Council and I had my doubts whether it would not have been *ultra vires* if I did. The College Council is concerned with the duty of administering rules and regulations that are in force there. It would be a new scheme with them altogether. If the Government desire or if the Government favourably looks at the suggestion, they will certainly send the scheme to the College Council for discussion and then it would come to them with some amount of force. The question is whether these studies are to be retained only in the present state in Bengal or whether they are to be raised to a higher level. That is the most important question. Of course I know that at the present moment there is a good deal of uncertainty. There would be a good deal of uncertainty always. But the circumstances that have been created since the war have favoured us with opportunities for deciding questions sooner than under circumstances existing before the war. My Lord, supposing we confine ourselves to teaching only the lower standard of engineering, how can we then expect our industries to develop and how are we to multiply our industries in the future? I for myself cannot find any solution to that difficulty and no alternative suggestion has been given by the Hon'ble Member in charge. It is quite open to the Government to have a College outside the University or have it affiliated to the University. It is not the question before me just now. What I say is that the standard of studies must be raised higher. We must have engineers with higher qualifications—mechanical engineers and electrical engineers. That is my contention and nothing more. Of course as regards the absence of a scheme, it is impossible for me to produce a scheme at present. Schemes have to be made, must be made by experts. I can only throw out suggestions. I hope, Government will see the necessity of raising the level of engineering education in Bengal and accept my resolution with that object in view."

A division was then taken with the following result :—

Ayes 21.

The Hon'ble Dr Nilratan Sarkar.
" Mr. Aminur Rahman
" Mr. Provash Chunder Mitter
" Kumar Shib Shekhareswar Ray
" Babu Brojendra Kishor Ray Chaudhuri.
" Mr. Arun Chandra Singha.
" Dr Deba Prasad Sarbadhikari, C.I.E.
" Rai Debender Chunder Ghose Bahadur.
" Rai Radha Charan Pal Bahadur.
" Dr Abdulla-al Mamun Suhrawardy
" Maulvi Abul Kasem.
" Mr. M. Ashraf Ali Khan Chaudhuri.
" Maulvi A. K. Fazl-ul-Haq.
" Khan Sahib Aman Ali.
" Babu Bhabendra Chandra Ray
" Mr. Altaf Ali
" Rai Sri Nath Ray Bahadur.
" Babu Akhil Chandra Datta.
" Rai Mahendra Chandra Mitra Bahadur
" Babu Surendra Nath Ray.
" Babu Kishori Mohan Chaudhuri.

Noes 24.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" Mr. N D Beatson Bell, C.S.I., C.I.E.
" Sir Satyendra Prasanna Sinha, KT.
" Mr C J Stevenson-Moore, C.V.O.
" Mr J H. Kerr, C.S.I., C.I.E.
" Mr J Donald, C.I.E.
" Mr. L. S. S. O'Malley
" Mr. F A. A. Cowley
" Lt.-Colonel W. J. Buchanan, C.I.E., I.M.S.
" Mr. C H Bompas.
" Mr W. C. Wordsworth.
" Mr. C. F. Payne
" Mr E. B. H Panton.
" Rai Priya Nath Mukharji Bahadur, I.S.O.
" Sir Rajendra Nath Mookerjee, K.C.I.E.
" Mr. J. Mackenzie.
" Mr. W. H. H. Arden-Wood, C.I.E.
" Mr. R. Glen.
" Rev Dr G. Howells.
" Mr F. W. Carter, C.I.E.
" Mr. W. E. Crum.
" Mr. E. B. Eden
" Mr. E A Martin
" Mr. H. R. A. Irwin.

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Mr. Provash Chunder Mitter.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C
,, the Nawab Bahadur of Murshidabad.
,, Raja Hrishikesh Laha, C.I.E.
,, the Maharajadhiraja Bahadur of Burdwan.
,, Babu Mahendra Nath Ray, C.I.E.
,, Babu Ambika Charan Mazumdar.
,, Mr. K. B. Dutt.

The Ayes being 21 and the Noes 24 the motion was lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. IV.

The Hon'ble MR. PROVASH CHUNDER MITTER moved the following resolution :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 50,000 be set apart for deputing a temporary staff for the formation of Co-operative Credit Societies relating to cottage industries and to agricultural produce ; and

(b) the expenditure be met from the provision of Rs. 6,64,000 allotted for construction of buildings in connection with the partition of the district of Midnapore.

The Hon'ble MR. PROVASH CHUNDER MITTER said :—

"My Lord, the Department of Co-operative Credit Societies has done a good deal of useful work in the past, but that department has hitherto confined its attention more or less to the organisation of ordinary agricultural credit societies ; even with regard to such societies, I believe there is much work to be done in the future. I believe the total capital is now a little over 150 lakhs, but it has not yet touched perhaps 95 per cent. of the rural population of Bengal, so that the Bengal Co-operative Department requires great development even with regard to agricultural credit. With regard to the development of cottage industries and of agricultural produce, I believe the department has been able to do very little, although the scope for useful work is almost unlimited. In a town like Calcutta all classes of people realise the difficulties of getting wholesome milk, good fish, good vegetables, poultry, eggs and so on. Many of us know the difficulties that stand in the way of the development of these humble, but none the less useful products. As regards milk we know that it passes through two or three middlemen and perhaps the lowest middleman working in the villages has only a capital of 2 to 1,500 rupees and it is natural that he has to make a profit of 100, 150, or even 200 per cent. The result of that is that the actual producer does not get the proper value for his produce, and the consumer has to pay very much more than the real value of the article. When we remember that Bengal is a land of poor producers, it seems very necessary that these poor producers should be properly organised. We all know what Plunkett has done in Ireland, and I venture to think that much can be done, if not to the same extent, but to some extent at any rate in a place like Bengal. It is necessary that we should begin the experiment at any rate. Now, with regard to cottage industries, there are industries like weaving, mat-making, shoe-making, hide-curing on a small scale and perhaps various others can be referred to. These humble producers, ignorant, as they are, can at the present moment turn out very useful articles. With some organisation and if the co-operative movement be cautiously introduced on sound lines amongst these classes great improvements can be expected. The benefit to society will be immense and, amongst other things, it will have one

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Mr. Beatson Bell.

indirect result and that is to bring intelligence, organisation and capital within the reach of these ignorant workmen. My Lord, it may be said that we have already a co-operative department and what is the good of having a different staff for this purpose. My answer to this is that the hands of the present co-operative department are more than full. Its work in the development of agricultural credit will necessarily take up all its energies and more than the energies that it can possibly command. In the domain of agricultural credit, perhaps one Registrar, even if he works as much as any human being is capable of working, cannot do all that the country requires of him. If any new organisation like the organisation of co-operative credit amongst cottage industries and agricultural producers is to be started, that will at the beginning demand a good deal of the time and attention of the organisers. The Registrar of Co-operative Credit Societies, busy as he is with his present department, can hardly be expected to give the necessary time to this new work; and that is the reason why I have suggested that a start might be made and a temporary staff be deputed—success will depend on how that staff works. It may be possible in future to bring all these different activities under one Registrar; that will depend upon the results of experience. At the present initial stage when a good deal of pioneering work has to be done, it is necessary to have a whole time officer. I have suggested that a sum of Rs. 50,000 be set apart for this purpose, but I do not for a moment suggest that it is a figure to which we must agree; that sum will be, to my mind, more than sufficient. The pay of the Registrar is, I believe, something like Rs. 1,500 or less. A few assistants and the necessary staff will not cost more than Rs. 50,000. This sum will pay the people, and the Government several times over if it be employed for the purpose I have mentioned.

I have also suggested that this sum should be taken from the amount allotted for the partition of Midnapore, and not from Mymensingh. If Government does not approve of my suggestion it may perhaps be able to find money from some other source. I have selected Midnapore for reasons already stated. If we spend that money in the development of the organisation of co-operative societies for cottage workers, many acute problems and troubles will be solved and the poor workers benefited."

The Hon'ble MR. BEATSON BELL said :—

"My Lord, I am afraid that the Hon'ble Mover of this resolution has been so busy with his other public duties and private avocations that he has not had time to study the publications of the Co-operative Department. He has more than once referred to the head of the department as the "Registrar of Co-operative Credit Societies;" that is not his title, and he is the Registrar of Co-operative Societies. Co-operative credit is merely one branch of the work, and agricultural co-operative credit is merely a branch of a branch. When my hon'ble friend has a little more time he might go through Appendix C of Mr. Donovan's last report. There he will see a full account of the operations of our non-credit and non-agricultural societies; he will see that far from his excellent scheme being some thing new to the department it is exactly what the department has been doing for a number of years, and in a very successful manner. He will find particulars of shoe-makers' societies, fishermen's societies, weavers' societies and milkmen's societies; moreover when he has time to study this report he will see that while in 1913-14 we had only 8 inspectors the numbers in successive years have risen to 10, 14, 18 and 22, while in the year which is about to open we propose to raise the number from 22 to 38, that is, an increase of 16 officers. Many of these 16 officers will be employed on the work which the Hon'ble Member has at heart, namely, societies connected with weavers, fishermen, etc., and societies for the distribution of milk and other agricultural produce. For

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Mr. Provash Chunder Mitter ; Mr. Beatson Bell.

example, Mr. Donovan has recently inaugurated a society at Baraset which is supplying 5 maunds of pure milk every day to Calcutta. The new inspectors will establish many more societies of this nature, while the new officers of higher rank—who will be practically Joint Registrars, although not yet so in name,—will supervise and assist them. How far the new staff will be distributed upon a geographical basis, and how far upon a specialised basis, cannot be definitely laid down. It is contemplated, however, that several of the new inspectors will take non-credit and non-agricultural societies under their special care. Briefly, our position is this, that we are making a very large increase in our staff in order to secure the objects of this resolution and that no case has been made for creating a new department—even if it were within our power to do so. Perhaps in view of these facts the Hon'ble Member will not press his resolution"

The Hon'ble MR. PROVASH CHUNDER MITTER said :—

"My Lord, I do not propose to plead guilty to the soft impeachment of the Hon'ble Member that I have not read the reports of the Co-operative Department. I may tell my friend that I have read them very carefully. Even on the admission of my hon'ble friend what are the huge achievements of his department in the matter of co-operative supply of milk ? In a town like Calcutta my hon'ble friend says that only 5 maunds of milk are daily brought."

The Hon'ble MR. BEATSON BELL said :—

"My Lord, it is only one example."

The Hon'ble MR. PROVASH CHUNDER MITTER said :—

"My Lord, I know that ; but very great advance may be made in that direction. The figure itself is its own condemnation. I may inform my hon'ble friend of a fact he has not mentioned, namely, that in the town of Dacca some attempt has been made towards such supply. I know also that Mr. Donovan is working as hard as it is possible for any officer to work. I may say this, without any fear of contradiction, that if you take the total number of societies we have at the present moment and if you deduct from them the total number of agricultural credit societies the percentage of non-agricultural societies will be very small indeed. No doubt for years past some attention has been paid by the department and by Government towards the development of non-agricultural produce, such as weavers' societies, Muchis' societies and other similar societies. I may tell my hon'ble friend opposite that I am personally much interested in some of these societies ; but my point is that these societies require a far greater development than the development in the past. I do not blame any individual officer for this, but on the other hand I praise them with all the praise that is at my command. The fact is that the staff is wholly inadequate. From my friend's own figures it appears that up to 1913-14 there were only 8 inspectors. My Lord, in a province like Bengal, with an area of 67,000 square miles and a population of 45 millions, can you possibly hope to do any real solid work with 8 inspectors ? Subsequently they had 22 inspectors and they are going to have 38 in the next year. Is that sufficient ? I may tell my friend that I know that some Deputy Collectors have been deputed to this department, but I say, without any fear of contradiction, that this most useful department is wholly undermanned. The total expenditure of this department is small compared with that of the revenue administered, although it is a department on which if you spend one rupee it will yield Rs. 10 in the near future. It is not a department you can afford to neglect. It is for these reasons that I suggest that more attention should be paid to agricultural produce and cottage industries. I am not satisfied upon a careful perusal of the reports

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The President.

that adequate attention has been paid to these industries. Looking at the census figures and the total number of members of these various societies we find that you have touched very much less than 5 per cent. of the Muchis, you have touched perhaps 10 per cent. of the weavers and not even 5 per cent. of the Domes who are also humble but useful members of societies. If that be so, Government may have done well in the past, but my point is that they ought to have done much more. For these reasons I am sorry I do not see my way to withdraw my resolution. I would like to have the opinion of the house on the resolution as it stands."

A division was then taken with the following result:—

Ayes 28.	*Noes 17.*
The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
„ Dr. Nilratan Sarkar.	„ Mr. N. D. Beatson Bell, C.S.I., C.I.E.
„ Mr. J. Mackenzie.	„ Sir Satyendra Prasanna Sinha, KT.
„ Mr. Aminur Rahaman.	„ Mr. C. J. Stevenson-Moore, C.V.O.
„ Rev. Dr. G. Howells.	„ Mr. J. H. Kerr, C.S.I., C.I.E.
„ Mr. Provash Chunder Mitter.	„ Mr. J. Donald, C.I.E.
„ Kumar Shib Shekhareswar Ray.	„ Mr. L. S. S. O'Malley.
„ Babu Projendro Kishor Rai Chaudhuri.	„ Mr. F. A. A. Cowley.
„ Mr. Arun Chandra Singha.	„ Lt.-Col. W. J. Buchanan, C.I.E., I.M.S.
„ Dr. Deba Prasad Sarbadhikari, C.I.E.	„ Mr. C. H. Bompas.
„ Rai Debender Chunder Ghose Bahadur.	„ Mr. W. C. Wordsworth.
„ Rai Radha Charan Pal Bahadur.	„ Mr. C. F. Payne.
„ Mr. F. W. Carter, C.I.E.	„ Mr. E. B. H. Panton.
„ Mr. W. E. Crum.	„ Rai Priya Nath Mukharji Bahadur, I.S.O.
„ Mr. E. B. Eden.	„ Mr. W. H. H. Arden-Wood, C.I.E.
„ Mr. H. R. A. Irwin.	„ Mr. R. Glen.
„ Dr. Abdulla-al-Mamun Suhrawardy.	„ Mr. E. A. Martin.
„ Maulvi Abul Kasem.	
„ Mr. M. Ashraf Ali Khan Chaudhuri.	
„ Maulvi A. K. Fazl-ul-Haq.	
„ Khan Sahib Aman Ali.	
„ Babu Bhabendra Chandra Ray.	
„ Mr. Altaf Ali.	
„ Rai Sri Nath Ray Bahadur.	
„ Babu Akhil Chandra Datta.	
„ Rai Mahendra Chandra Mitra Bahadur.	
„ Babu Surendra Nath Ray.	
„ Babu Kishori Mohan Chaudhuri.	

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
„ the Nawab Bahadur of Murshidabad.
„ Raja Hrishikesh Laha, C.I.E.
„ the Maharajadhiraja Bahadur of Burdwan.
„ Babu Mahendra Nath Ray, C.I.E.
„ Babu K. B. Dutt.
„ Babu Ambica Charan Mazumdar.

The Ayes being 28 and the Noes 17 the motion was carried.

The Council adjourned for lunch till 2-30 P.M.

The PRESIDENT said :—

"I take this opportunity of drawing attention to a printer's error which occurred in the answer given to a question this morning, namely, starred question No. 5 (*d*), where the following words occur 'his weight on admission

to the Rajshahi College on the 4th September, 1917 was 154 lbs.' The word 'September' should have been 'February' and I direct that it be so written in the proceedings of the Council."

APPENDIX TO THE LIST OF BUSINESS—ITEM No. VII.

The Hon'ble DR. NILRATAN SARKAR moved the following resolution :—

The Council recommends to the Governor in Council that—

(a) a sum of Rs. 25,000 non-recurring be allotted for the purpose of constructing an independent system of water-works for the supply of pure drinking water in the Sibpur Engineering College ; and

(b) the expenditure be met out of the sum of Rs. 6,75,000 provided as lump provision for additional force and Police reforms under District Police force.

He said :—

"My Lord, there has been much inconvenience felt in the Sibpur Engineering College on account of the inadequate supply of filtered water. The inconvenience has been allowed to continue for a fairly long time and that is my justification for bringing it to the notice of Your Excellency's Council in the shape of a resolution. To the medical mind the question of the supply of pure drinking water naturally appears to be much more urgent than the question of any other reform. The Howrah Municipality cannot be expected to render much help to the Engineering College. They have not got an over-flowing supply; on the other hand their supply is very often short. The only remedy, therefore, lies in sanctioning an independent installation at a moderate cost. The College authorities are quite competent to look after the thing without any additional expense. The cost is trifling, the need is urgent, the scheme is definite and I am in a position to inform the Council that it has the approval of the Principal. A capital expenditure of Rs. 25,000 deducted from a lump provision of Rs. 6,75,000 would very slightly affect the Police reform scheme. I trust the Government will kindly accept this modest resolution."

The Hon'ble MR. O'MALLEY said :—

"My Lord, I feel that no reply is necessary after the statement I have already made in reply to the resolution of the Hon'ble Dr. Sarkar about the sanitary improvement of the Sibpur College. There has long been trouble about the shortage of water in the College. It was brought to the notice of Government in 1915 and a small grant was made for its improvement. The difficulty, however, still persists, as the Hon'ble Dr. Sarkar has told the Council, and the position is not satisfactory. We hope to take steps to improve it. Government, however, wishes first to obtain the report of Dr. Bentley and consider his suggestions, which, I know, will meet this very point. I can assure the Council that as soon as Dr. Bentley's report is received, if it is found necessary to take immediate steps for the improvement of water-supply, Government will gladly do so. I do not think it is necessary to make any deduction from the source mentioned in the resolution, as Government will be able to provide the fund from other available sources. I hope, therefore, that the Hon'ble Member will withdraw this resolution."

The Hon'ble DR. NILRATAN SARCAR said :—"In view of this assurance I beg to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

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Babu Ambika Charan Mazumdar; Sir Rajendra Nath Mookerjee.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. VIII.

The following stood in the name of the Hon'ble BABU AMBIKA CHARAN MAZUMDAR .—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 1,00,000, or such other sum as may be conveniently spared, be provided in the Budget under head "Civil Works in charge of the Public Works Department" towards the construction of a new record-room at Faridpur for the accommodation of the Settlement records of that district; and

(b) this provision be met by reducing the estimates for the partition of Midnapore and Mymensingh.

The Hon'ble Member being absent the resolution was not moved and went by default.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. IX.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE moved the following resolution :—

This Council recommends to the Governor in Council that—

(a) provision be made for a sum of Rs. 50,000 for building a hostel for students for Mechanical apprenticeship at Kanchrapara, adjoining the Eastern Bengal Railway Workshop;

(b) the said sum be met from the provision made for Midnapore Partition—Construction of buildings Rs. 6,64,000 and Mymensingh Partition—Land Acquisition, etc., Rs. 6,50,000, reducing the amount in each case by Rs. 25,000.

He said :—

"My Lord, I am fully conscious how embarrassing it is to the Financial Member to be asked to alter his Budget which has been prepared with great deliberation and careful thought, but my excuse for asking him to do so to-day, is the great urgency of the case. This terrible war has brought prominently before the attention of the British Government, the Indian Government and the citizens of the whole British Empire, how necessary and important it is to the people to develop the Empire's industrial resources, and especially how vitally necessary it is for India to develop her resources in such a way as to make her an independent industrial unit. The urgent necessity of the development of Indian industries is emphasised by the appointment of the Indian Industrial Commission at a time when the Government of India can ill-afford to distract its attention and use its resources for anything which is not of national importance. It is accepted as an axiom that to develop industries in any country three things are essential: to create facilities in finance, make scientific investigation by research and to get technical knowledge and practical training. No one of these factors can by itself lead to the successful development of any industry. Sir Thomas Holland in his address to the Science Congress at Lahore the other day indicated the lines on which the Industrial Commission proposes to recommend the establishment of a Imperial Scientific Research Department. I am not at liberty at the present moment to make public what proposals the Industrial Commission will make to create facilities in finance. That matter is more or less an Imperial concern, but the training of Bengali students as Mechanical Engineers and Foremen, the object of my resolution, is the function of the Provincial

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Sir Rajendra Nath Mookerjee.

Government and I hope I am not committing any breach of etiquette to my colleagues on the Industrial Commission if I inform Your Excellency's Council that all the expert evidence placed before the Industrial Commission on the question of the training of Indian students as Mechanical Engineers and Foremen, unanimously advocates giving these students a commercial practical training in some large workshop for a period of four to five years and condemns the present method adopted in several Engineering Schools which, in the opinion of the experts, is quite inadequate to train a lad to be a competent and practical foreman mechanic.

My Lord, it is to the credit of the Principal and the Governing Body of the Sibpur Engineering College that about two years ago, after having realised that the present system of training students at that College for mechanical foremen is not suitable for giving these students a real practical training, they formulated a scheme on much the same lines as now recommended to the Industrial Commission, and appointed a sub-committee consisting of Mr. Hornell, Mr. Adams, Mr. Heaton and Mr. Harnett, the Locomotive Superintendent of the Kanchrapara Workshop of the Eastern Bengal Railway, to investigate and report on its feasibility. After considering this report, the Governing Body of the Sibpur Engineering College submitted a scheme to Your Excellency's Government which, I understand, will be favourably considered. To give effect to that scheme the first thing necessary is to construct a Hostel at the Kanchrapara Workshop to enable Mr. Harnett to admit Bengali students as apprentices to his workshops. Mr. Harnett has already got a number of Anglo-Indian youths, sons of the employees of the railway, as apprentices. I will not take Your Excellency's time by giving details of the training which are fully given in the report of the Governing Body, but it is clear that Mr. Harnett cannot admit Bengali students unless and until a Hostel is provided for them. Even if funds are available now it will be a year before the building could be finished and ready for occupation. I am aware that the scheme now before Government recommends that the railway authorities should build and furnish the hostels, but it has to be remembered that the railways under present circumstances due to the war are unlikely to be able to spare the necessary funds for some years to come owing to the enormous expenditure which they will have to incur to repair and replace their rolling stock and permanent way. Apart from this if time is to be wasted over negotiations with the railway upon the question whether they or the Government should pay this comparatively small sum of money a great opportunity will be lost.

My Lord, as soon as the war is over, which we all hope will be at a not far distant date, I need hardly point out that the impetus given to the development of industries throughout the British Empire, and other countries also, will be unprecedented. Signs are not wanting that all the nations of the world are preparing themselves and getting ready for the keen competition that will inevitably follow. My Lord, in my humble opinion the Government and the people of Bengal will be failing in their duty if they do not bestir themselves and make ready to face this situation. In addition to the facility that will be given for the development of industries I may add that the training of Bengali youths as mechanics will create new openings and improve the economic situation and thus divert their minds from unhealthy political activities. Only the other day the Government of India announced their decision to guarantee the purchase in India of three thousand railway wagons annually for the next ten years. Orders on such a scale as this will undoubtedly tend to create a great demand for the services of mechanical engineers and foremen. It has always been difficult, even for European firms, to import mechanical foremen who often show an unwillingness, owing to unfavourable climatic and other reasons, to remain long in India. The difficulty experienced in the past is bound to be enhanced after the war. It is far more difficult for an Indian manufacturer or industrialist

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Dr. Deba Prasad Sarbadhikari.

to procure a suitable European mechanic on reasonable and moderate pay for his small industry and this fact has been fully borne out by the evidence placed before the Industrial Commission and I am sure the European manufacturers in this country will also unhesitatingly avail themselves of the services of competent practical Indian Mechanical Engineers for their workshops.

My Lord, Bengali youths have given evidence in (1) Dr. Sarbadhikari's Ambulance Corps, (2) in Dr. Mullick's Bengali Battalion, (3) in Col. Pugh's Bengali Light Horse, (4) in the University Corps and last but not least in the Bengali Boy Scouts, of their ability and willingness to undertake any hard work, and have, I trust, dispelled the belief which has hitherto been entertained that Bengali youths are loath to do any hard physical work and if the Government now takes up this question of training and provides the necessary facilities I feel the utmost confidence in saying that there will be large numbers of Bengali boys who will avail themselves of the opportunity thus provided.

My Lord, backward as we Bengalis are in industrial matters, we cannot afford to lose a day to prepare ourselves for the struggle that is before us. I may be permitted to mention that it is not my intention either to hamper or to impede the progress of the Midnapore and Mymensingh partition works. I had to show from which items of the Budget savings could be made to provide funds for the Hostel. If my resolution is accepted by the Government and if the funds are provided as I propose, I venture to say the work of the partition of Midnapore and Mymensingh will not suffer in any way, as payments of such small sums as Rs. 25,000 in each case may easily be made in April 1919. I hope that the Government will take into consideration the urgency and importance of my appeal and will be pleased to accept my resolution."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"My Lord, I desire to give my whole-hearted support to the very modest resolution which Sir R. N Mookerjee has brought before the Council, and incidentally I am very glad to have his support of some of the ideas that are being discussed elsewhere with regard to the industrial and commercial future of the country. What the details of the University and other schemes are, it is unnecessary here to mention. They are being examined by two Commissions. We have had indications in the past, which are now growing, that with regard to some of these matters the University is hardly the proper authority to deal with them. That is a question we shall not enter into now. But everybody is agreed that wherever the theoretical portion of the work may be done the practical portion of the work must be done in the workshop. There can be no two opinions with regard to this. What the Mover has said are the deliberate views of the Industrial Commission. Practical training will best be given in large workshops that is what the University also has said. I am glad that the Sibpur College has been able to induce the Kanchrapara Workshop to take up the scheme and lend the College a helping hand. I shall confine myself to the purely practical working of the scheme. The Hon'ble Dr. Nilratan Sarkar has been speaking of the unhealthiness of Sibpur, but compared to Kanchrapara it is a veritable hygeine. Kanchrapara is a very malarious place and unless the apprentices coming to Kanchrapara are well-housed and properly looked after, they will not be able to stand the strain. This must be done if the scheme is to have a fair chance. It is useless to hope that Kanchrapara will be able to afford facilities like this unless a hostel is built there. To give the scheme a chance—and not only this scheme, but other bigger schemes which are sure to follow,—I think it would be a mistake not to accept a resolution like this and to delay providing for the very useful facilities asked for here would be a

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mistake. Even a keen businessman like Sir R. N. Mookerjee has been obliged to fall back upon Midnapore partition costs and the few other fancy toys in the Budget for everybody to draw upon. That shows the helplessness of the situation. We do not know from which head we should suggest drawing the necessary sum. But if the scheme finds sympathetic support from the Government, I am sure there will not be any difficulty in getting the money."

The Hon'ble BABU SURENDRA NATH RAY said :—

"My Lord, I support the resolution whole-heartedly. The efficiency of technical education given in Government schools has always been discounted by the fact that the students had not had in most cases that practical training in workshop which would enable them to use their theoretical knowledge to the best advantage and the result has been that in most cases the boys have not been able to find any employment. In Kanchrapara you have got the necessary machinery for practical training which is so much required at the present time in Bengal, and I would ask Your Excellency's Government most strongly to accept the resolution and to take steps at once to build a hostel and to arrange for taking a large number of students for mechanical training at Kanchrapara. Whatever view may be taken as to the urgency or the necessity or even as to the policy of partitioning the districts of Midnapore and Mymensingh during this war time, it can never be said that the schemes will suffer to any extent if less than 4 per cent. of the proposed expenditure for the partition of the districts of Midnapore and Mymensingh is diverted. On the merits of the resolution it is an undoubted fact that technical education far outweighs any question of mere administrative convenience and not of immediate necessity. There is, so far as I am aware, no accommodation for Indian students at Kanchrapara."

The Hon'ble MR. PROVASH CHUNDER MITTER said :—

"My Lord, I beg to support this resolutin most heartily. We know that every year about sixteen to eighteen thousand students appear in the Matriculation examination and many of them fail. But whether they fail or they pass, they are, I say and I say with all deliberateness—they are, for want of future prospects a great menace to Bengal. It is of the utmost importance that as many as possible of these young men should be turned to practical works of life. It is of the utmost importance that new avenues of employment should be opened out to these young men and at a time like this, in a country like India so full of resources—and yet so little of practical results come out of these resources—it is of the greatest importance that our technical students should be given a practical training. I admit that this scheme of Rs. 50,000 is nothing; but it is only a beginning and if this hostel be the means of training 50 boys, they will attract others in future. My Lord, when English education was started in this country it started with a very small beginning and if a few youths of Bengal ever takes to practical training, however small the beginning may be, with that training will come the solution of many problems. A place like Kanchrapara is an ideal place for the success of that experiment. The money after all is not much. It is to be found, if it is found, either by the Government or by the railway. The railway, for obvious reasons, is at the present moment not in a position to find the money. The Government may not find it easy to provide the money, but after all Rs. 50,000 is not much for the Government and if the money be found, it will serve a most useful purpose. If the money be found and if the experiment succeeds then I think in future a great number of our youths will be trained there and the community as a whole will be benefited. With these words I commend the resolution to the House."

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Dr. Howells; Sir S. P. Sinha.

The Hon'ble DR. HOWELLS said :—

"My Lord, I beg very heartily to support this resolution in the interest of general education and as something typical of what is very vitally necessary in our present educational machinery. As an example of what I mean I may say that I belong to a missionary society that supports several secondary schools in Bengal for the education of Bengalee boys. There is as we all know a great thirst for education in Bengal and boys flock from their villages to secondary schools wherever they possibly can. After they have been some years in the secondary schools it becomes perfectly clear that a number of them will never be able to go on to higher education. Intellectually they are not equal to it and yet it would not be right to say that these boys are not bright. We have established in connection with some of these schools manual training workshops. We found that while a boy had little or no chance of developing into a scholar or even to the distinction of a "matriculation failed" yet he was really bright in the workshop, bright in sports and bright in general intelligence. The problem of what to do with boys of that character has been pressing us for some years and it affects a very large number in the secondary schools of Bengal. Prejudices regarding industrial training are gradually being removed. But these boys are quite unwilling, after they have been for a certain time in secondary schools, to go back and engage in agricultural works in view of the condition of agriculture at the present time. With agricultural improvements they may be willing to go back, but at present that is not the case, and what to do with boys of this character who have attained a certain standard of education is a very pressing problem. Only a few we ks ago the question came up before a Missionary Conference to which I belong and this very case of Kanchrapara was discussed as a very useful place where boys of this character could be sent. But missionary societies in these days have not abundant fund to spare and we were considering whether it would be wise to invest some money in a hostel of this character. But we felt that this was difficult owing to war conditions. I am therefore very glad to support this resolution of the Hon'ble Sir Rajendra Nath Mookerjee. If we want our educational plan to be wise and strong and efficient we shall have to face this problem of what to do with boys who have received a certain amount of education, but who are unfit, for various reasons, to take advanced work. We should do nothing to swell the great crowd of boys entering our colleges and who after some years in college are, perhaps, unfit for anything except a clerkship on Rs. 20 a month. Here is one way which may prove to be a solution of a very real difficulty and I trust that Government will give every consideration to this as typical of what may be done to solve the problem."

The Hon'ble SIR S. P. SINHA said :—

"My Lord, I think the previous speakers have made it abundantly clear that the Government and the public at large—all classes are at one with regard firstly, to the development of industries in India, and secondly, to the fact that that must be done as quickly as possible. The need for the development of Indian industries is universally admitted and it is a matter of pure common sense that in order to develop manufactures by machinery you must have mechanical engineers. The only way of getting a sufficient number of mechanical engineers is to train them here because it is impossible to get them in any large number from England now, both because of the distance and because of the salaries we shall have to pay in respect of people brought out from England and it will be increasingly difficult in the future. So fully alive is Government to this necessity that they have appointed for that purpose a Commission of which the Hon'ble Mover is such a distinguished member.

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The only question, therefore, is as to how to get these mechanical engineers who are so essential for the development of manufacturing industries in India.

Now the scheme, to which the Hon'ble Sir R. N. Mookerjee refers, was prepared by the Governing Body of the Sibpur College and has been before Government only since the end of December last. I am mentioning this only to show why such an apparently useful object is not provided for in this year's Budget. It was not until just before Christmas that this scheme came up before Government, although I know that the report had been made some time ago; the matter has not yet been decided by the Government although I hope it will not be long before a decision is arrived at, and I have every hope that a favourable decision will be arrived at with regard to the recommendations of the Governing Body. Although, therefore, I may begin by saying that I am not able to accept the resolution in the form in which it is moved, I am able to assure my Hon'ble friend that steps will be taken the moment this scheme has been considered and a decision arrived at to give effect to it without the loss of a single possible moment. I am glad that the Hon'ble Sir R. N. Mookerjee has given me an opportunity to state the position of Government with regard to this matter, because from the resolution moved by my friend it seems to me that the public have no idea at all as to what the scheme is or what steps are in contemplation for the training of mechanical engineers in India.

Our present position is this, and I ask the Council's forbearance for a few minutes, because I think it necessary that the public should know what the position now is and how quickly we are going to improve it. When I have made that clear I think the Council will agree with me that we are moving with the times and as soon as a decision is arrived at, the scheme will be givn effect to, not merely with regard to the very small part which Sir Rajendra Mookerjee has incorporated in his resolution, but with regard to the whole. Now, the present position is this—as regards the training of mechanial engineers.

At present we can train mechanical engineers in two ways. One is through the Sibpur College and the other is by training them in certain workshops, mostly railway workshops. So far as the Sibpur College is concerned there is a course of 4 years and boys enter at the age of 16 or 17 and study in the College for 4 years. They then go through a practical course of one year in the College workshops. During the whole of this period, so far as the Sibpur College is concerned, they obtain a certain amount of *theoretical*, but very little of *practical* instruction. That is one system. The other system is that of apprenticeship at workshops, principally railway workshops. That is a course of 5 or 6 years during which period they obtain a large amount of practical instruction, but very little theoretical instruction. I understand that they have got a sort of evening classes attached to these railway workshops. These are the only two ways in which we can train mechanical engineers at present here. In the former, they get a good deal of theoretical instruction and a certain amount of practical instruction and in the latter they get a good deal of practical, but very little of theoretical instruction. The result is that the first turns out a College product with little practical experience, while the second turns out practical men with insufficient theoretical education. That is the present position. The Governing Body of the Civil Engineering College appointed a sub-committee consisting of the Principal himself, the Director of Public Instruction, Mr. Harnett and Mr. Adams; and they made their report some time about the middle of last year in which they recommended that these two systems should be combined, that there should be more theoretical instruction given in the railway workshops where little theoretical instruction could now be given. They further recommend that when these boys have received theoretical instruction which will be afforded at the railway workshops *plus* a large amount of practical

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training they will get there, some of them will be good enough to profit by a further course of theoretical training and provision should be made in the Sibpur College for such of them as would be ready and willing to receive the higher theoretical training. These are the recommendations which they have made. You see therefore, that the scheme, as a whole, involves training in the railway workshops where there is no theoretical instruction given now and where practically only Anglo-Indian boys receive training now; it is proposed to train not only these boys, but also Indian boys and they should provide more higher theoretical instruction than they do at present and in order to educate a larger number of Indian boys, there should be hostels provided because, as has been pointed out by the learned Vice-Chancellor, it cannot be done without providing healthy residential quarters for these boys. I had better state what the scheme as a whole is so far as these workshops are concerned. They recommend that the Railway Companies should build and furnish the hostels and the technical institute; that the Railway Companies should staff the hostels; that Government should provide for the cost of the teaching staff and apparatus at the technical institute through a grant-in-aid to the Railway Companies; and that provision should be made for scholarships tenable by passed apprentices at Sibpur. It is not enough that the railway should provide the hostels. If you provide the hostels you go a certain way, but not far enough, because although the hostels at the railway workshops at Kanchrapara will enable them to receive Indian boys where they receive none now, the instruction will not be such as to render them capable of doing the higher class of work for which there is a demand. Now, it will do something, but not quite enough; you want more than that. You want not only the hostels built, furnished and staffed, but you want an increase in the teaching staff of the technical classes attached to these workshops; you want apparatus for these technical institutes and the committee recommend that the Government should pay for the increased staff and the apparatus that is necessary and that the railway should provide the hostels. They further recommend that it is not enough to provide for the instruction of foreman mechanics or mistris; you must provide for higher theoretical instruction; you won't provide that merely by giving a grant of Rs. 50,000 for a hostel which will probably house 100 or 150 students at a time, but you will have to provide hostels at various other places, such as Lillooah, Kharagpur and Jamalpur where there are workshops now. The Port Commissioners and other firms like Messrs. King & Co., Burn & Co., should be induced also to provide similar facilities so far as their workshops are concerned, but these companies do not now provide for technical instruction. The Council will, therefore, see that the scheme which is recommended is a large one and that it is only a small part of the scheme which requires that hostels should be provided amongst other places at Kanchrapara. Provision will have to be made at other places for hostels such as Lillooah and Kharagpur within this province and provision will further have to be made for an increase of the staff in the technical school and of apparatus necessary to raise the status of the classes so that they can train not merely mistris or even foreman mechanics, but real mechanical engineers.

The only reason why this scheme could not be budgetted this year was, as I have already told the Council, that the scheme did not come before the Government until about Christmas last year, that is, about two and half months ago. I have every reason to think that the scheme, as a whole, will be sanctioned. Even if we find that the railways are either unable or unwilling to provide any hostel we shall press it upon them, as judging from Sir William Meyer's statement on the Budget the railways seem to be rolling in money and I do not see why they should not pay for it because they will be immediately benefited by the scheme. Whether they do it or they do not, the beginning which my friend asks us to make is a very modest one and even if we cannot give effect to the scheme as a whole,

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we hope to be able to give effect to that portion of it which he recommends. What I ask on behalf of the Government is this : let us have an opportunity first of all of examining the scheme—it has been before us for only two months—and of seeing if we can carry out the scheme as a whole. If we can we shall do a great deal more than a mere provision of a hostel at Kanchrapara. If we find that we cannot do it either because the railways do not come into the scheme or because we are unable to provide the larger staff and apparatus and so forth that is necessary I can promise this Council that even if we cannot carry out the scheme as a whole, we shall carry out as much of it as we can. Government is thoroughly convinced that it is necessary, if we are to develop industries at all, that no time should be lost and that a beginning must be made as early as possible. I hope I have made it clear to the Council that there is no disposition whatsoever on the part of the Government to shirk its undoubted obligation in the matter and that the sympathy which I show to the scheme is not merely lip sympathy. but one which we desire to be translated into action at the earliest possible opportunity. I can assure my Hon'ble friend that we mean to do it either in the way he proposes or in some other way, but that the scheme is now before us and is receiving consideration ; and I have every reason to hope that within this year we shall be able to do what the Hon'ble Member desires and probably a good deal more."

The Hon'ble SIR RAJENDRA MOOKERJEE said :—

"My Lord, I have to explain two points. The first and most important is that from what the Hon'ble Member has said no action can be taken unless and until the whole scheme is matured and sanctioned by Government. I am unable to accept his view, because it is known that in such matters Government moves slowly and that the result would be that years would be lost. The Governing Body of the Sibpur College have submitted a complete scheme which I admit may take a little time to be considered in all its bearings before Government sanctions the whole scheme. My resolution to build a hostel at Kanchrapara is a part of the complete scheme, and as I have already pointed out, if the money asked for is sanctioned to-day it will be at least twelve months before the hostel is completed and be ready for occupation. Surely the complete scheme now before the Government will (with any modifications that the Government may think fit to make) be passed and sanctioned before this, and we will thus save one year. Whatever form of modification the scheme may take the building of the hostel at Kanchrapara is a *sine, qua non*, and once the hostel is provided the Superintendent of the workshops will be able to admit boys as apprentices. The question of the arrangement for higher theoretical training does not arise till the twelve months' apprenticeship which the students will have to undergo has expired. During this period they must prove their aptitude and physical fitness for workshop training and hard work, and consequently some of them may probably have to be weeded out at the end of the first year.

My Lord, I would explain that the European youths now engaged as apprentices get their theoretical training only in the night school and after being in the workshop for four years, are considered eligible and suitable for posts of mechanics with salaries ranging from Rs. 200 to Rs. 500 per month. Even if Indian boys get only the same facilities as Europeans in regard to their theoretical training, surely they will, after leaving the workshop with the usual diploma, be able to earn at least half as much as European youths, and I have hopes that some of them will earn the same pay as their European fellow-mates. If this be the case, our Indian boys will be more than contented, as their present prospects, even after passing B.Sc. or M.Sc., is not more than Rs. 50 to Rs. 100 a month. There can be no question that the complete scheme giving facilities for higher theoretical training is necessary, but pending its sanction, I fail to see why such a sum as that asked for

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in my resolution cannot be placed in the hands of the Railway authorities to enable them to commence the building of the hostel.

The second point raised by the Hon'ble Member was whether the Railway authorities will not provide the necessary expenditure for the hostel building I beg to point out that for two reasons it is not possible for them to do so. First it is well known to every one of us that owing to war conditions the railways have been working under a severe strain, and have not been able to repair or replenish their rolling stock since the war began. Although Sir William Meyer announced in his budget speech that he had reserved 20 millions sterling for the purposes, I have stated every penny will be more than necessity for its legitimate object, namely the up-keeping of the different lines which is their life and soul, and consequently nothing will be available for building hostels. Besides the delay in carrying on negotiations will be enormous.

The second reason is that I am doubtful whether the Railway Board, or the Imperial Government will sanction an expenditure for the training of Bengalee boys. Facilities are already given for the education and training of European youths (sons of railway employees) to attract the fathers into the service of the Railway and also to get these European lads employed on railway work. I therefore again urge that immediate sanction be accorded to the expenditure referred to in my resolution. My Lord, I have not the facility to express in English such phrases as my Hon'ble friend, Sir Satyendra Prasanna Sinha, finds it so easy to command, nor am I competent to understand his diplomatic language such as "I have reason to believe," "I have every hope" and "we will give every consideration"—being a business-man I would prefer a plain answer. I am therefore compelled to ask Your Excellency to place my resolution before the Council, and although I am aware that the carrying of a resolution by this Council means nothing more than a recommendation, still I have great hopes that considering the support I have received from various Hon'ble Members, that my resolution will be carried and will at least have a moral effect.

The resolution was then put and agreed to.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. X.

The Hon'ble BABU BHABENDRA CHANDRA RAY moved the following resolution :—

This Council recommends to the Governor in Council that—

(*a*) Rs. 5,19,586 be allotted for payment to the District Boards as representing the total amount of deductions made by the Local Government from the augmentation grants for the years 1914-15, 1915-16 and 1916-17 ; and

(*b*) this sum be provided for by a corresponding reduction either in the estimated expenditure under Police, or in that under New Major Works (Civil Works in charge of the Public Works Department).

He said :—

"My Lord, in moving a resolution in connection with the Financial Statement last year, I stated that nothing had puzzled me more than the short allotment under the head augmentation grant in the Budget. And, believe me, nothing has given me greater pleasure—of the unalloyed kind—this year than the just and ample provisions under this head in the revised estimates for the closing year as also in the Budget for 1918-19. I must express my thankfulness to Government for having given effect to my resolution by thus increasing the amount of the grant as allotted last year. The principle for which I contended was accepted by Sir Shams-ul-Huda ; and

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the present resolution is, as I look at it, upon a mere matter of detail and represents a minor complaint, in which, I hope, I shall have the sympathy of the Hon'ble Member in charge.

Having dealt with the subject of augmentation grant at some length last year, I shall not trespass upon the time and patience of the Council for more than a few minutes to-day. I desire, however, to briefly recapitulate the facts of the case now for enabling Hon'ble Members to understand the position clearly.

The augmentation grant was instituted by the Government of India in 1905 for the benefit of District Boards and was fixed at ¼ of the Road cess so far as Bengal was concerned. The Provincial Government were charged with the duty of distributing this grant to the individual Boards, and they have been doing it ever since. Being thus fixed at 25 per cent. of the road cess, which is an expanding source of revenue in Bengal, this grant is also expensive in character and has gone on increasing. In 1905, the assignment made by the Imperial Government toward this grant was 12½ lakhs in Bengal as it was then constituted. With the formation of the new Presidency of Bengal in 1912, however, a new financial settlement was concluded between the Imperial and the Local Government ; and among other assignments of the Government of India to the Government of Bengal, the augmentation grant was incorporated in the settlement figures. So that it is not possible to-day to point to a specific annual provision made by the Imperial Government for this purpose. And since 1912 the obligation of finding this fluctuating—I may say, steadily increasing—grant for the District Boards has been thus laid upon the Local Government among all the various terms and conditions of the financial settlement. So far with regard to the augmentation grant.

Now, My Lord, in 1913, there was a welcome accession of funds to the District Boards by the surrender to them of the entire public works cess receipts. In compensation for the surrender of this growing source of revenue, the Government of Bengal were given a fixed Imperial assignment of Rs. 24,93,000 a year, and were allowed to resume a provincial grant which the District Boards used to get under the name of equilibrium grant and which amounted to Rs. 4 lakhs 49 thousand annually. The Local Government have thus been getting practically Rs. 29,42,000 every year in exchange for the public works cess revenue.

But, My Lord, as the public works cess revenue was found to exceed this fixed assignment, the Local Government began quietly to curtail the amount of such annual excess from the augmentation grant. The practical effect of this arrangement was that it were as if the District Boards which got the fixed annual assignment of Rs 29 lakhs 42 thousand and the public works cess still continued to be credited to the Provincial exchequer.

As this meant a steady and increasing loss of legitimate revenue to the District Boards, I moved a resolution in connection with the last Financial Statement for the purpose of ensuring a full allotment of this Imperial grant. Sir Shams-ul-Huda was pleased to accept that resolution, although he put it more on the ground of generosity than on that of justice. And Government have, I am grateful to observe, given effect to my resolution by budgetting for full payments in 1917-18 and 1918-19.

But, My Lord, what about the deductions made from the grant during the three immediately preceding years? On the last occasion, I ventured to express the hope that Government would make good these past appropriations as well, the amounts of which were stated to be Rs. 48,367 in 1914-15, Rs. 1,37,788 in 1915-16 and Rs. 3,33,431 in 1916-17, the total being Rs. 5,19,586.

Sir Shams-ul-Huda in his last budget speech referred to this matter and said that he could not make any promise of making good the short payments of these years. He further thought that as the payment of the grant was a matter of generosity on the part of Government, no question of claim could

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arise so far as these past deductions were concerned. I had pointed out that the initiation of the grant was no doubt an act of Imperial beneficence, but the Provincial Government had no authority to curtail it. To this Sir Shams-ul-Huda's reply was that 'the Government of Bengal had a share in that generosity, because they had to find the difference between the fixed assignment and the increased grant from year to year by reason of the increase in the receipts on the Road cess.' But here Sir Shams-ul-Huda had failed in his appreciation of the financial arrangement since the last provincial settlement. For since 1912, we have no more of fixed assignments from the Government of India on account of the augmentation grant. And this was stated very clearly in reply to my starred question No. 22 at the meeting of this Council dated 3rd July, 1917. And when the matter was made the subject of an interpellation by the Hon'ble Maharaja of Cossimbazar in the Imperial Legislative Council, Sir William Meyer also stated that the assignments on account of the augmentation grant 'are now merged in the adjusting entries made under the provincial settlement.'

My Lord, whatever may have been the case before, since the last provincial settlement, the payment of the augmentation grant—with all its possibilities of expansion—was made a charge upon the revenue of the province; and the imposition of this expansive liability is as much a feature of the last financial settlement as the assignment of the different expansive heads of revenue to the local Government. And if the Local Government were to make short payments of the augmentation grant, they would be quite as guilty of a breach of covenant as they would be if, for instance, they were making larger appropriations from the land revenue than allowed under the financial settlement.

My Lord, I maintain that there can be no question of generosity in this matter between the Local Government and the District Boards. Unless and until you cry off the bargain that you made in 1912, the liability of the Provincial Government to find the full amount of the augmentation grant from year to year is a very real one. If it is a generosity at all, it is a generosity of a compulsory character so far as the Local Government are concerned. I hope, therefore, that Government will not take up the absurd position of making full payment from 1917-18, while refusing to make good the short payments of past years.

My Lord, with regard to the reductions suggested in this resolution under other heads of expenditure, it is a mere matter of form. In restoring the amount of Rs. 5,19,586, Government will only be discharging a just liability. And as this amount justly belonged to others, but was spent by Government for purposes of their own, it will be for Government to decide where exactly to apply the pruning knife, so as to enable them to find the money now. But if I may explain why I suggest a curtailment of the Police Budget in particular, I shall say that I do not quite approve of the marvellous elasticity of police expenditure, which—to my mind—is not accompanied by a corresponding degree of efficiency. As, however, I know what strong advocates of the police we have in this House, with whom it would be foolish for me to cross swords, I thought it prudent to have a second string to my bow in the shape of the Public Works Department. My Lord, I hope you will agree with me when I say that a man—or a Government for the matter of that—should pay his debts, or, in other words, meet the claims of compulsory generosity, before he thinks of putting up fine buildings for his own use."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, as the Hon'ble Mover has said, this matter was argued in Council in connection with last year's Budget, and therefore I propose to deal with it somewhat shortly. The main point at issue between the Hon'ble Member and ourselves is that what he says is an act of mere justice we allege to be

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Babu Bhabendra Chandra Ray; Sir Henry Wheeler.

an act of generosity. The position is this. In 1905-06 the Government of India in their desire to encourage the development of local self-government increased the resources of District Boards by a grant equivalent to 25 per cent. of the net road cess collections, and this was known as the augmentation grant. The District Boards had no claim to receive this sum; the giving of it was an act of generosity on the part of Government. In 1913-14, the Government of India, from similar motives, went further, and made over to District Boards the whole of the public works cess which up to that time had been absorbed by Government, leaving merely the road cess to the District Boards. This, again, was an act of generosity. On both occasions the usual procedure was followed by the Government of India of making an assignment to the Local Government calculated on the basis of the amount by which the latter would be a loser. When these orders were received in 1913-14, our predecessors—Lord Carmichael's Government—Sir William Duke then being the Finance Member—took the perfectly permissible view that, in so far as the province was losing a source of growing revenue in the public works cess, with a corresponding advantage to the District Boards as the cess receipts rose year by year, the augmentation grant might be reduced to the extent of any excess of the income from public works cess over the assignment figure. That is to say, the augmentation grant was reduced by the sum which the Local Government would have received had they retained the public works cess, and this course was adopted for three years 1914 to 1917. On the occasion of the last Budget, the Hon'ble Member raised this same point, asserting that the District Boards had been thus deprived of monies which they were entitled to get, and the Government of that time said that they were willing in future to discontinue these deductions. But they distinctly declined to give retrospective effect to that concession. The Hon'ble Sir Shams-ul-Huda definitely said :—

> 'I am sorry that, although we intend to pay the full amount of the augmentation grant, we can make no promise to make good the short payments that were made during the last few years.'

Our predecessors, who were responsible for this arrangement. therefore, declined to make a further payment, and I do not think the present Government would be well advised to depart from that decision and now to allocate to District Boards a large sum to which they have no actual or definite right."

The Hon'ble BABU BHABENDRA CHANDRA RAY said :—

"My Lord. it may be an act of generosity so far as the Imperial Government is concerned, but I do not think it is in any way clear to us that it is not an act of compulsory generosity on the part of the Provincial Government. If the Hon'ble Member in charge intends to have the matter referred to the Imperial Council for the purpose of eliciting their opinion, I can withdraw this resolution. Otherwise, I would press this resolution for the acceptance of the Council."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, I presume the Hon'ble Member refers to the Imperial Government and not to the Imperial Council. I may say that prior to the Budget discussions of last year our predecessors informally brought the matter to the notice of the Government of India, and the latter. in replying, presumed that it was not intended to give retrospective effect to the new arrangement.

The Hon'ble BABU BHABENDRA CHANDRA RAY said :—

"My Lord, in that event I beg to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

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Maulvi Fazl-ul Haq.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XI.

The Hon'ble MAULVI FAZL-UL HAQ moved the following resolution :—

This Council recommends to the Governor in Council that—

(a) with a view to the establishment of a Muhammadan Arts College in Calcutta a lump provision of Rs. 2,00,000 (Rs. 1,00,000 recurring and Rs. 1,00,000 non-recurring) be made in the Budget; and

(b) the expenditure be met by curtailing the expenditure on the following items by 20 per cent. either by revision of estimates or partial stoppage of the works contemplated—

(i) works in progress of the Police Department in connection with the reorganization of the Eastern Bengal Police (Budget provision Rs. 6,75,000);

(ii) construction of buildings in connection with the partition of Midnapore (Budget provision Rs. 6,64,000);

(iii) acquisition of land in connection with the partition of Mymensingh (Budget provision Rs. 6,50,000);

(iv) additional temporary force, Intelligence Branch (Budget provision Rs. 1,04,308); and

(v) increase of temporary force for District Intelligence staff (Budget provision Rs. 2,13,446).

He said :—

"My Lord, this question of the establishment of a Muhammadan Arts College is really a very old one and in one respect it is even older than the Legislative Council. It was so long ago as the year 1784 that a committee was appointed by the first Governor-General, Mr. Warren Hastings, to consider the advisability of the establishment of two colleges in Calcutta, one for Hindus and the other for Muhammadans. At that time it was very rightly decided that the establishment of denominational colleges in the then existing circumstances of the country would be somewhat premature, but still, as a result of the deliberations of that committee, we had the Sanskrit College and the Calcutta Madrassa. I will not take up the time of this Council with all that happened since then up to the present time as to the advisability of having such a college in Calcutta, but I would only wish to draw the notice of your Excellency's Government to the fact that this question has been discussed several times not merely in this Council, but also on public platforms and in the public press; and I think I can say this, without any fear of contradiction from any quarter, that the necessity and importance of such a college is now admitted, and the only reason given by Government so far for not undertaking the establishment of a Muhammadan Arts College in Calcutta, is the excuse of want of funds. I do not mean any reflection on the Government when I use the word 'excuse'; I know the financial stress through which we are passing, and I am only using the word in its ordinary sense as a reason for not taking up the scheme of such an urgent character.

My Lord, I find that in the year 1871, a committee was again appointed which recommended the establishment of an Arts College for Muhammadans; but nothing came of the deliberations of that committee either. The question was again taken up at a public meeting held in 1908 at the Town Hall, a meeting at which the Hon'ble Sir Syed Shams-ul Huda took a very leading part and who pointed out that the establishment of a Muhammadan College in Calcutta was a matter of the utmost necessity. Then the question was repeatedly pressed upon the Government, when at last Government felt convinced that the time had come when the college ought to be established, and there was a time when we felt that the college was only a question of a few months. We have

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been expecting in vain. Our community feel so strongly on the question that at the last session of the Muhammadan Educational Conference held in Calcutta, a resolution was passed urging upon the Government the necessity of establishing the College as early as possible, and I may inform this Council that at a public meeting held a few days ago, a strong and influential committee has been appointed for taking steps for the purpose of raising funds to establish the college. The reason why we wish to have this college established soon may be briefly stated to be this: it is well known that at the present moment restrictions have been put on the number of students to be admitted at every college, and although in most of these colleges seats have been reserved for Muhammadans, the total number of such seats falls far short of the required number; the result is that every year on an average no less than four to five hundred students have got to give up study simply for want of accommodation in the colleges. At the present moment, it is, I think, a matter on which there can be no difference of opinion, that the Muhammadan community cannot afford to have so many boys go without education, simply because there is no college in Calcutta to admit them. My estimate of four to five hundred students not getting admission, may not be quite accurate, but I think that even if the Government do not see their way to accepting this resolution, they will admit that a large number of Muhammadan students are turned out, year after year, because there is not sufficient accommodation in the colleges to admit them. The question, however, is want of funds; for only recently when I put an interpellation in this Council, the reply that was given to me was this:—

'A scheme for the establishment of a Muhammadan College at Calcutta has been prepared but is in abeyance, both because the funds required for its establishment are not at present available and also because it is considered desirable not to proceed with the scheme until the Calcutta University Commission has submitted its report, and orders have been passed on its recommendations.'

My Lord, that gives at once the reason why Government have not been able to establish this college, and with a view to strengthen the hands of Government, I have put forward my suggestions in this resolution. It was only recently that I drafted a Bill for levying an education cess on the Muhammadans, and I fully expected that that Bill would be accepted; at any rate I would get permission to have it introduced into this Council and circulated amongst my community in order to elicit criticisms on the provisions of the Bill. Unfortunately, however, Government did not see its way to grant me that permission. I, therefore, beg to point out to your Excellency's Government that although funds may not be available so far as the present budget provisions are concerned, there is a way in which we can, if Government so desire, set apart such a modest sum as two lakhs of rupees in order to carry out this much desired object. I have, therefore, indicated five heads of expenditure, and I have not asked that any of these items be deleted from the budget altogether, but that a slice should be taken from out of each up to 20 per cent., which gives me a total of a little over 4 lakhs, and I have suggested that out of this 2 lakhs be set apart for the establishment of a Muhammadan Arts College in Calcutta. The first item from which I suggest that money may be taken is one about works in progress of the Police Department in connection with the reorganisation of the Eastern Bengal Police (Budget provision of Rs. 6,75,000). Your Excellency will see that this provision of $6\frac{3}{4}$ lakhs is not likely to be spent in its entirety during the next year; at any rate the work may be taken up and fairly a large portion may be completed and a small slice may be left over for this purpose. Then comes the construction of buildings in connection with the partition of Midnapore (Budget provision Rs. 6,64,000); and here again the entire work need not be suspended, but a slice can be taken out of the lump provision, and so on with regard to the other items which I have mentioned in my

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Mr. Aminur Rahman.

resolution. With these observations, I commend my resolution to the acceptance of Your Excellency's Council."

The Hon'ble Mr. AMINUR RAHMAN said :—

"My Lord, the Hon'ble Mr. Fazl-ul Haq has referred to the organisation that has been started for the collection of funds with a view to the establishment of a Muhammadan Arts College in Calcutta. I do not wish to repeat all that has fallen from the lips of my Hon'ble friend, but I must emphasise the fact that the Muhammadans were encouraged to believe at one time that the Government would undertake the task of establishing such a college. Some years ago before the war the then member in charge of Muhammadan Education held out hopes to the Muhammadan public to this effect. He did so because he realised the necessity for the establishment of such a college and also because he felt that there was a genuine demand for it from the Muhammadan public. Unfortunately, the war intervened, and the Government had to reconsider their views not only in this matter, but in all matters which contemplated expenditure on fresh accounts. But the Muhammadans have thought it proper to insist on the carrying out of the scheme in view of the difficulties which Muhammadan boys have to experience in getting admission into colleges and also on account of the fact that nearly 500 or 600 boys every year have to give up the idea of prosecuting their studies in Calcutta simply because there is not sufficient accommodation for them in colleges and hostels. That being the case, the Muhammadan public have to organise their efforts in order to bring relief to the boys in this matter. From time to time the subject has been pressed upon the attention of the Government in the Council. But the Government have always rejected the proposal on the ground of the necessity of retrenchment at the present moment and sometimes the Muhammadans have been told that Government like the Almighty helped those who helped themselves. The Muhammadans of Bengal have now started an organisation for giving effect to this principle of self-help. At one time I thought that any attempt to raise money at the present time is doomed to failure. But the need is so urgent and the condition has become so serious that we believe we shall be able to persuade the public to contribute what little they can spare to make a start, and for the future we shall be quite content to leave the matter to the good sense of the public and the Government to carry through. It has been often said that the Church is never so active as when it is in debt. That is also true of an institution of this kind. We have every hope that the people of the land will awaken to a sense of duty and exert themselves to maintain the institution once it is founded. But we realise the fact that it is responsible to collect sufficient funds to establish and maintain a first-grade college at present. We have approached the Government for funds for two reasons :—(1) without Government assistance we cannot start or go on and (2) if the Government could make a handsome contribution it will help up considerably in raising funds. The men whom we would approach would at once realise that it has every hope of becoming a going concern. I should like to mention at this stage that if provision were made for the admission of Muhammadan boys to the extent of 50 per cent. of the total number in Government colleges and 30 per cent. in aided colleges, we would not feel the necessity of establishing a Muhammadan college at once. We cannot imagine what the recommendations of the Calcutta University Commission will be in this respect. On Saturday last I had the honour of introducing a deputation of influential Muhammadans to the Commission, and in our representation we have mentioned about the promise of the Government to give the Muhammadans a separate college. Whatever may be the recommendations of the Commission, and I have every hope that some of our suggestions will be accepted, we cannot get away from the fact that the problem of providing collegiate education for 500 or 600 Muhammadan students must be tackled at once."

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Mr. M. Asraf Ali; Babu Akhil Chandra Datta; Sir S. P. Sinha.

The Hon'ble MR. M. ASRAF ALI KHAN CHAUDHURI said :—

"My Lord, I feel it is my duty to support this resolution. Only last year I moved a resolution exactly of this nature. In fact, I asked for the establishment of a Muhammadan Arts College and to grant the money from the sum allotted for the partition of Midnapore.

My Lord, the history of this affair has been given by the Hon'ble Mover, the reason why it is required has also been given and I do not want to waste the time of this Council in repeating this case over again. It is an open secret that the Government know very well that the college is required and is absolutely necessary for the Muhammadan boys. They know very well that the Muhammadan boys after passing the matriculation examination go away from Calcutta not being able to get any accommodation in some of the colleges. The Government knew of this fact and the Government thought it was necessary and went so far as to acquire land near the Wellesley Square, where the Calcutta Madrassa is, with the intention of building a college there and the college is still being built. My Lord, I do not want to take up much time, but want to say this much that many promises have been made to us, but it appears that they have not been made from the heart."

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"My Lord, as a Hindu Member of this Council I certainly feel it my duty to associate myself with this resolution to which I give my hearty support. It is an old complaint of the Muhammadans, who are still very backward in education, and it is high time that a strenuous effort should be made to bring them in the same line with the Hindus in the matter of education. I have great pleasure, my Lord, in supporting this resolution."

The Hon'ble SIR S. P. SINHA said :—

"My Lord. this is one of our hardy annuals. As the Hon'ble Mr. Asraf Ali Khan has told us just now, last year we had precisely the same resolution moved by the Hon'ble Mr. Asraf Ali Khan and one of a similar purport by the Hon'ble Maulvi Fazl-ul Huq. I do not propose to go into the question of the importance or the urgency of the provision of a Muhammadan Arts College in Calcutta. With regard to that, my predecessor, Sir Syed Shams-ul-Huda, who, I have no doubt, had the interest of Muhammadan education as much at heart as any Hon'ble Member of this Council, said this: 'This question has been discussed threadbare before this Council and the Council has already accepted the importance and urgency of the matter.' Therefore I do not propose to go into that at all. Admittedly the matter is important and I think it is urgent. I think admittedly also the Government has been trying its best to give the Muhammadans the college they want. In 1915, we sent up a proposal to the Government of India for that very purpose, and it was proposed that the existing Madrassa buildings should be demolished and the site utilised for the Arts College, the Arabic Department and the Moslem Institute, and that a new Anglo-Persian school should be erected on an adjoining plot of land, the hostel being removed to the Elliot Hostel for the extension of which land has recently been acquired. We went so far as to acquire a site for the purpose in Wellesley Square at a cost of Rs. 1,23,000. Now the scheme which we sent up was to cost, so far as capital expenditure was concerned, about Rs. 13 lakhs, including the provision of land, and Rs. 70,000 a year for the recurring expenses, after deducting the money to be received from fees. The Government of India sent that scheme back and told us that it was too ambitious and that we must cut it down. We did that and we sent up a scheme which provided

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that instead of demolishing the old Madrassa, it be allowed to stand where it is and the building be utilised at present for the college and afterwards when we can build a better and more spacious building for the college it might be utilised for the school. The reduced scheme which we sent up was to cost about Rs. 4 lakhs for the building and Rs. 52,000 a year for the recurring cost after deducting the income we expect to make from fees. Short of that we cannot have a college worthy of the name The resolution proposes to give two lakhs of rupees for the capital cost ; this is too littte, as we shall not be able to build half of the college with that sum, and a lakh of rupees a year, which is more than what is required for the recurring cost ; for that very reason it is impossible to accept the resolution. You provide less than you require to build a college and you provide more than what you require to run it. If that was all, the thing could be remedied very easily. Why not give four lakhs for the building of the college and cut down the recurring cost to Rs. 82,000 a year. But I would ask in all earnestness— would it be reasonable on the part of a prudent person, much more of the Government, to take up a scheme of building a college in Calcutta, apart from any question of financial stringency, when there is a Commission whose report on the question of colleges generally is expected to be ready in another two or three months. One of the matters referred to this Commission is whether the colleges in Calcutta should remain where they are or whether they should be removed somewhere else, say, the suburbs, how they should be equipped, what should be the course of instruction, and so forth. Would it be the part of a prudent Government to undertake a scheme without knowing what the provision for what college should be ? But, again, it may be said 'begin with something, and you can alter and change when the report is received.' I have already said that it would not be prudent on our part to do so. How are we going to get the staff when we find it rather difficult to recruit them for our existing colleges now ? It is impossible to get enough people for the Indian Educational Service at present, and with regard to getting them from the Provincial Educational Services this is what Sir Syed Shams-ul-Huda said on the last occasion. After stating that a second grade college, which was attempted to be carried on, of which he himself was a member of the teaching staff, proved a failure, he said :—

'To have a first grade college with a number of men all in the Provincial Educational Service will not, I think, satisfy the demands of the Muhammadan community, and even then the cost would be considerable. We were in hopes that we would be able to establish a Muhammadan college worthy of the community before the war, but when the war came we all realised that having regard to the large sums involved, it was not possible to carry the scheme into effect soon.'

So even if we had the money and we made up our mind to have a college, we could not get a first class college such as the Muhammadans would care to have.

In the next place, the resolution only asks for Rs. 2 lakhs, but as I have already said that you could not do without four lakhs non-recurring and 52,000 recurring. Moreover we could not accept the resolution because we had not the power to do so, as we would have to get the sanction of the Government of India and indeed of the Secretary of State. We cannot get the money and we cannot get the staff, and even if we did, it would be necessary, I submit, even then to wait till we knew what the recommendations of the University Commission would be with regard to a matter of this kind. Both the Hon'ble Mr. Aminur Rahaman and the Hon'ble Mr. Asraf Ali Khan Chaudhury, though greatly disappointed at the reply given by the Hon'ble Nawab Shams-ul-Huda, understood, as far as I could judge, that it was impossible to carry out even the modest scheme which had been proposed until after the war was over. I suppose that by moving this resolution my friends want to reiterate their grievances in this matter and to see that the attention

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of the Government did not flag; we are anxious to do it the moment conditions enable us. Another point has been mentioned that there is a great difficulty for Muhammadan boys in obtaining admission to colleges. I think that this is somewhat exaggerated. Shortly before that resolution was moved last year there was an order passed by which 25 per cent. of the seats in all colleges is reserved for Muhammadans, and I know this, so far at any rate as one college is concerned, and that is the premier college in Calcutta, that they have not been able to get anything like 25 per cent. of applications from Muhammadan students. I do not know what it may be with regard to other colleges; but from all that I have been able to ascertain, it does not appear that the difficulty is anything like so great as my friends apprehend. In any case, I do not think I could do more than this and say that we have already promised to have an Arts College for Muhammadans in Calcutta the moment conditions render it possible for us to do so, unless the recommendations of the University Commission oblige us to have a different kind of college."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, the proposals as to the heads from which money is, in this instance, to be found involve three rather important items in the Police Budget, which also appear in two subsequent resolutions. It might be convenient, therefore, if I intervened at this stage to explain briefly what these items are, in order that the Council may not decide this question without precisely knowing what they are recommending. The items, I refer to, are Nos. (*i*), (*iv*) and (*v*).

The argument of the Hon'ble Mover is generally to the effect that from the fairly large sum covered by item (*i*) we could easily spare something, but as a matter of fact, we cannot do so. The history of the case is that this provision was made in continuation of a scheme which was initiated by the late Government of Eastern Bengal and Assam as far back as 1910. Subsequent to the formation of that province the whole question of the adequacy of the police arrangements was examined by the Local Government, and a very large scheme was prepared and submitted to the Government of India, involving an initial expenditure of some Rs. 17 lakhs and Rs. 6 lakhs recurring. The figures were reduced, on scrutiny, to something over Rs. 15 and 5 lakhs, respectively, and to that extent an assignment was made to the late Government of Eastern Bengal and Assam in order to carry out these reforms. Part of the changes contemplated involved the creation of 65 new investigating centres, 35 of which are under construction at a total cost of Rs. 10,59,000, of which rather over Rs. 4 lakhs was provided during the current year. In addition to the balance of Rs. 6,49,000, the Inspector-General desires to take up seven more of these centres at a cost of Rs. 2,19,000. Therefore, against his total demand of Rs. 8,68,000, we have only given him Rs. 6,75,000, and the Council will see that we are thus barely meeting the cost of works which are already in progress and which must therefore go on.

The next Item No. (*iv*) relates to additional temporory force for the Intelligence Branch, which falls under various heads, all, I submit, being required. It has been found necessary, owing to developments in Bengal, to strengthen the superior staff which deals with Intelligence work in Calcutta, and that accounts for a charge of Rs. 27,000. Additions have also had to be made to the subordinate force, together with a revision of the clerical establishment in the Intelligence Branch, with a view to enabling it to cope with the very large increase of detailed work which now devolves upon it. Similarly, expenditure had to be incurred on printing arrangements. All these items are connected with Intelligence work. Other items relate to the temporary staff for the supervision of criminal tribes, being the sequence of the more energetic steps which have been taken in recent years to exercise control over these people. Similarly, an increase in the number of dacoity

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cases has required an addition in the staff at a cost of some Rs. 17,000. A detective school at Howrah has been started as an experiment, at a cost of about Rs. 23,000, in the hope of improving the detective ability of the members of the police force.

The items under head (*v*), which amount to Rs. 2,43,446, are really in continuance of the development of the existing staff. In the old days when the necessity was first experienced of entertaining special Intelligence staffs in the districts it was met by the unsatisfactory expedient of deputing men from the Central Bureau. In 1912, however, it was recognised that a more appropriate arrangement would be to reinforce the local staffs, and a force was sanctioned for the purpose, to which additions were made in the following year and again in 1916. These men are an integral part of the district force, although employed on work connected with political Intelligence. Recent developments have shown that our establishments require to be further strengthened, and the provision in the Budget is made with the idea of providing three Additional Superintendents of Police who will give their time to this special work, together with a subordinate staff of inspectors, sub-inspectors, head-constables, constables and clerks.

In view of what I have said, Sir, we should regard all these items as scarcely capable of reduction."

The Hon'ble MAULVI A. K. FAZL-UL HAQ said :—

"My Lord, I never apprehended that my resolution would encounter a double-barrelled opposition although I must confess that I never expected that it will have a smooth walk over in this Council. This is not the first time that I have brought forward this resolution for discussion and to-day perhaps it would not be the first or the last time when my hopes of success would be disappointed. The reply on behalf of the Government has been given by one of the ablest advocates in India, but I am very sorry to have to confess that his advocacy has not convinced me. The Hon'ble Sir S. P. Sinha has said that Government will try their very best to give us the college we want and I say in reply that we will try our very best to accept that assurance, but at the same time I wish to remind the Members of Government that we are after all human beings and that our patience has got human limitations. It is true my suggestion is for two lakhs only. Of course so far as the initial expenditure is concerned, it is far too little and so far as the recurring expenditure is concerned it is a little in excess of what may be necessary. The reason is that I fell apprehensive that a demand for more than two lakhs would be met with stern refusal, and I had hopes that a modest demand like this may perhaps induce the Government to accept the resolution. So far as the four lakhs is concerned I wish to point out that 20 per cent. taken out of the five items of expenditure I have indicated in the resolution give us a little over four lakhs and I may tell this Council that if Government can see their way to accept this resolution even in a modified form, I will not proceed with the other resolutions. I find that some of the resolutions on the agenda in my name are already down in the name of other members, so that so far as the money for the expenditure is concerned, I do not wish to draw upon these five items of expenditure for the other subjects to which my other resolutions relate.

As regards the statement that there was one college in Calcutta which could not get even 25 per cent. of the seats reserved for Muhammadans filled by Muhammadan applicants, I do not know which college is meant, but I am sure it must be a very bad college which could not attract 25 per cent. of Muhammadan students. But even if there is such a college I do not think it can be put forward as an argument that we will not have a sufficient number of students to start the college. That, I submit, is a

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position which cannot be taken up by Government after they have admitted that to establish a Muhammadan College is not merely necessary but is also urgent.

Lastly as regards the recommendations of the Universities Commission I do not think that that really stands in our way. I may mention in this Council that the committee which has been appointed to raise funds towards this object and of which my friend the Hon'ble Mr. Aminur Rahman is the Secretary is already busy raising funds and the only reason why I have brought forward this resolution was to get from Government some money in order to give their project a start.

Before I sit down I wish to say that the suggestion of two lakhs is not a suggestion to which I wish to adhere strictly. If even a lakh of rupees is given to us in order to help us carry this project through, it will be a great help to the community. More than that we do not want, and I am quite prepared to modify the proposals contained in my resolution if only I get an assurance from the Government that my modified resolution will meet with the acceptance of the Government. With these few observations I commend this resolution to the Council."

A division was then taken with the following result :—

Ayes—20.	*Noes—22.*
The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Dr. Nilratan Sarkar.	" " Mr. N. D. Beatson Bell, C.S.I., C.I.E.
" " Mr. Aminur Rahaman.	" " Sir Satyendra Prasanna Sinha, KT.
" " Rev. Dr. G. Howells.	" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Kumar Shib Shekhareswar Ray.	" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Babu Brojendra Kishor Ray Chaudhuri.	" " Mr. J. Donald, C.I.E.
" " Mr. Arun Chandra Singha.	" " Mr. L. S. S. O'Malley.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.	" " Mr. F. A. A. Cowley.
" " Rai Debender Chander Ghose Bahadur.	Lt.-Colonel W. J. Buchanan, C.I.E., I.M.S.
" " Maulvi Abul Kasem.	" " Mr C. H. Bompas.
" " Mr. M. Ashraf Ali Khan Chaudhuri.	" " Mr. W. C. Wordsworth.
" " Maulvi A. K. Fazl-ul-Haq.	" " Mr. C. F. Payne.
" " Khan Shahib Aman Ali.	" " Mr. E. H. B. Panton.
" " Babu Bhabendra Chandra Ray.	" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. Altaf Ali.	" " Mr. J. Mackenzie.
" " Rai Sri Nath Ray Bahadur.	" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Babu Akhil Chandra Datta.	" " Mr. R. Glen.
" " Rai Mahendra Chandra Mitra Bahadur.	" " Mr. F. W. Carter, C.I.E.
" " Babu Surendra Nath Ray.	" " Mr. W. E. Crum
" " Babu Kishori Mohan Chaudhuri.	" " Mr. E. B. Eden.
	" " Mr. E. A. Martin.
	" " Mr. H. R. A. Irwin.

The Hon'ble Dr. Abdulla-al-Mamun Suhrawardy abstained from voting.
The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
" " the Nawab Bahadur of Murshidabad.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " the Maharajadhiraja Bahadur of Burdwan.
" " Rai Radha Charan Pal Bahadur.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.
" " Babu Ambika Charan Mazumdar.

The Ayes being 20 and the Noes 22 the motion was lost.

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Maulvi Fazl-ul Haq ; Maulvi Abul Kasem ; Mr. Beatson Bell.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XII.

The HON'BLE MAULVI FAZL-UL HAQ moved the following resolution :—

This Council recommends to the Governor in Council that—

(a) a lump provision of Rs. 25,000 be made in the Budget for the improvement in pay and prospects of clerks and mohurrirs in the Registration Department ; and

(b) the expenditure be met by curtailing the expenditure on the following items by 20 per cent. either by revision of estimates or partial stoppage of the works contemplated

(i) works in progress of the Police Department in connection with the reorganisation of the Eastern Bengal Police (Budget provision Rs. 6,75,000);

(ii) construction of buildings in connection with the partition of Midnapore (Budget provision Rs. 6,64,000) ;

(iii) acquisition of land in connection with the partition of Mymensingh (Budget provision Rs. 6,50,000) ;

(iv) additional temporary force, Intelligence Branch (Budget provision Rs. 1,04,308) ; and

(v) increase of temporary force for District Intelligence staff (Budget provision Rs. 2,13,446).

He said :—

" My Lord, I moved a similar resolution on a previous occasion, when I was informed that a scheme for the improvement in the pay and prospects of clerks and mohurrirs had already been prepared and had not been given effect to for want of funds. I do not know what the position is at the present moment. But if that is the only reason, I will submit that the suggestion I have given in the resolution for acquiring the money ought to be able to meet the necessities for giving effect to this urgent reform. The sum of Rs. 25,000 may not be quite sufficient. But the reason why I have put down this sum is that calculating at the rate of increase of Rs. 5 per month in the pay of clerks and mohurrirs this sum may be sufficient. But if more money is needed it can be provided for by getting the amount of four lakhs by the process of taking 20 per cent. out of the five items I have suggested. This is a resolution which I hope does not require very many words from me, and I hope it will be accepted by the Government."

The Hon'ble MAULVI ABUL KASEM said :—

" My Lord, I just want to raise my voice on behalf of a class of neglected public servants. They are a very hard-working class of men and are very miserably paid. As my hon'ble friend has told this Council, a scheme—the reorganisation scheme of the Registration Department—has already been framed, but has not been given effect to because our resources are limited. I submit, my Lord, that it all depends upon the strength of pressure brought upon the Financial Department by the various heads of departments by which funds can be provided for the needs of other departments. And although I find that for the requirements of the police, in many cases even for their luxury, funds are available and yet a small amount is not available for a small increment in the pay of these poorly paid public servants. I hope, however, that this resolution will be accepted by the Government."

The Hon'ble MR. BEATSON BELL said :—

" My Lord, I need only say that this Government has much sympathy with the clerical establishment of the Registration Department. In the year

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Maulvi Fazl-ul Haq; The President.

1916, we drew up a comprehensive scheme and submitted it to the Government of India and the Secretary of State. This scheme contemplated an annual expenditure not of Rs. 25,000 but Rs. 1,37,780 per annum. The Secretary of State sanctioned the whole scheme on the distinct understanding that it would not be brought into force until the financial situation was better. That was the exact position when this subject was brought before us last year, and it was explained to the Hon'ble Members by the Hon'ble Nawab Sir Syed Shams-ul-Huda, who said: 'The Secretary of State has given conditional sanction to this expenditure, that is to say, to give effect to it on the improvement of the financial position. We cannot go against this.'

Thereupon the Hon'ble Maulvi Fazl-ul Haq withdrew his resolution. I am sorry to say the position has not changed in any way. It is true that instead of a lakh the Hon'ble mover has this year reduced his demand to Rs. 25,000, but I am afraid that according to financial rules it is not open to this Government, when it has sent up a comprehensive scheme and has got it sanctioned under distinct conditions, to introduce it piecemeal and without regard to these conditions."

The Hon'ble MAULVI FAZL-UL HAQ said:—

"My Lord, the Hon'ble Member in charge is well known for his sympathy for all classes of public servants, especially for poorly paid public servants, and if he says that it is not possible to carry this into effect at present, I do not wish to press this resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEMS Nos. XIII, XIV AND XV.

The PRESIDENT said:—

"I would point out to Hon'ble Members that the next three resolutions deal substantially with the same question. It will be convenient if a general discussion takes place on one only. If the movers desire to move them they can do so after the general discussion takes place. A mere repetition of the discussion will be out of order. I would suggest that a general discussion take place on the first of the three, and if the Hon'ble Members, in whose name the two subsequent motions stand, desire to move them after a decision has been given on the first, they should do so formally."

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XIII.

The Hon'ble MAULVI FAZL-UL HAQ moved the following resolution:—

This Council recommends to the Governor in Council that—

(a) with a view to give immediate effect to the recommendations of the Public Services Commission regarding the improvement in pay and prospects of Munsiffs and Subordinate Judges, a lump provision of Rs. 1,25,000 be made in the Budget; and

(b) the expenditure be met by curtailing the expenditure on the following items by 20 per cent. either by revision of estimates or partial stoppage of the works contemplated—

(i) works in progress of the Police Department in connection with the reorganization of the Eastern Bengal Police (Budget provision Rs. 6,75,000);

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(*ii*) construction of buildings in connection with the partition of Midnapore (Budget provision Rs. 6,64,000);
(*iii*) acquisition of land in connection with the partition of Mymensingh (Budget provision Rs. 8,50,000);
(*iv*) additional temporary force, Intelligence Branch (Budget provision Rs. 1,04,308); and
(*v*) increase of temporary force for District Intelligence staff (Budget provision Rs. 2,13,446).

He said :—

"My Lord, only the other day in answer to an interpellation of mine. Government said that it was not possible for them to state when final orders would be passed on the report of the Royal Commission. This resolution deals with a subject which, to use the words of Sir S. P. Sinha, is one of the hardy annuals which this Council has to meet year after year. The subject has come up for discussion continuously for the last three years, and although there has been no mistake as to the trend of public opinion on the subject, it is extremely unfortunate that we have not been able to induce Government to do something to improve the pay and prospects of the officers of the Judicial Branch of the Provincial Civil Service. In the year 1915, the Hon'ble Mr. Cumming, on behalf of the Government, gave an assurance that the recommendations of the Public Services would soon be taken into consideration, and he asked the members of the Judicial Service to possess their souls in patience, and he gave them hopes that before long their grievances in the matter of at least the initial pay would be redressed. After that, I brought forward a resolution which was, however, not accepted by this Government, and only last year a resolution to this effect was moved and debated. The necessity for raising the initial salary has been admitted even by Government, and here again the only reason for not giving effect to this much-needed reform is that sufficient funds are not available. It now remains for Your Excellency's Government to consider whether such a much-needed reform should be postponed in view of the fact that money is being spent on projects, a portion of which, at any rate, could be held over for a certain time. It is true, as the Hon'ble Sir Henry Wheeler has pointed out, that the items of expenditure relating to the partition of Mymensingh and Midnapore and certain items of Police reform are very important and very urgent. I do not for a moment dispute either the importance or the urgency; I do not suggest that these schemes should be abandoned altogether; as I have submitted in connection with the previous resolution, all that I propose is that a slice may be taken out from each of these five projects, and the money thus yielded will be more than sufficient to carry out this much-needed reform. I do not wish to take up the time of this Council, and with these few words, I commend this resolution to the acceptance of Your Excellency's Government."

The Hon'ble BABU SURENDRA NATH RAY said :—

"Probably Government will consider that it has become the fashion with most of the non-official Indian members of this Council to move this resolution year after year. We have been trying for the last few years to redress a wrong done to a deserving class of public officers by increasing their initial pay from Rs. 200 to Rs. 250. but without success. Since I have been a member of this Council I have pointed out almost every year during the Budget discussion the just claims of these officers of Government, I mean the Munsiffs, to higher emolument than that they have been getting at present. It is about six years ago that the Government was pleased to raise the initial pay of the members of the Provincial Executive Service from Rs. 200 to Rs. 250, and this brought satisfaction to them. But what is it that prevented

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the Government from raising the initial pay of the members of the Provincial Judicial Service, I mean the Munsiffs, from Rs. 200 to Rs. 250? These deserving class of public officers are not at all costly to Government compared with the amount of work done by them. As I have more than once said in this Council these officers of Government have actually been minting money for Government in the remotest parts of the country and bringing home to the poorest agriculturist the idea of British justice. People of all shades of opinion have testified to their work and to their usefulness, and Government appreciate them. But in spite of all this, their claim have remained neglected. Whereas a member of the Provincial Executive Service has to begin his official career at the age of 24 or utmost 25 and has to administer criminal justice without having any training in law and without, in many instances, passing the B. L. examination of the Calcutta University, these Munsiffs who administer civil law in the Presidency have to pass the B. L. examination of the University and have to practise as a lawyer for at least three years before his name is registered for an appointment. It is seldom that he can get himself thus registered before the age of 27, which is again the maximum age at which he ought to do so. Under the rules he must get an acting appointment before 29. It is generally at the age of 30 or 31 that a Munsiff gets a permanent appointment and begins with an initial pay of Rs. 200, *i.e.*, whereas a member of the Provincial Executive Service begins with an initial pay of Rs. 250 at the age of 23, 24 or utmost 25 without passing the B. L. examination and without, in many instances, knowing the rudiments of law, a member of the Provincial Judicial Service has to begin service with an initial pay at Rs. 200 at the age of 30 with proper legal training and with an education if not superior at least equal to that of a member of the Provincial Executive Service. It is this anomaly of difference in the initial pay of the two classes that I ask Your Lordship's Government to remedy.

I think I ought to mention one or two facts in this connection. Your Lordship will find in the Budget estimates of 1914-15 a lump provision of Rs. 21,000 for increase of pay of the last grade of Munsiffs. The non-official Members of Council congratulated the Government at the time for making this provision. Sir William Duke, the then Member in charge of the Financial portfolio, said in the course of the Budget debate on the 4th April, 1914: "Satisfaction has been expressed that provision has been made for raising the pay of the lowest grade of Munsiffs. I would ask members to adopt an attitude of expectation on this subject. I myself have always contemplated raising the pay of the lowest grade of Munsiffs since the time when the Government decided to do it in the case of the Executive Service and that carried through about three years ago. We think that probably what was fair for one service would be fair to the other, in fact, so far as the Munsiffs are recruited older they have an additional claim.'

In answer to a question in this Council on the 5th August, 1914, the Government replied: 'The proposal is under the consideration of Government to increase the pay of last grade of Munsiffs.' In January 1915, in answer to another question, the Government replied: 'Awaiting the report of the Public Services Commission.' On the 13th March, 1916, in reply to the resolution of my hon'ble friend, Mr. Fazl-ul Haq, for increasing the pay of the lowest grade of Munsiffs from Rs. 200 to Rs. 250, the then Member in charge of the Judicial portfolio, Nawab Syed Shams-ul-Huda said: 'I need not discuss the merit of the resolution, for there is not much difference of opinion between the Government and the object of it. As a matter of fact two years ago, we budgetted a sum of Rs. 21,000 for introducing this very reform, but after careful consideration, we had to postpone giving effect to it, because we had made certain recommendation in this connection to the Public Service Commission, and decided to wait and see what the recommendations of the Commission are. I may assure my hon'ble friend that when we know

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what the Commission have to say on the subject and we have the money, we will be glad to give effect to the reforms which this resolution seeks to introduce. I am sorry, therefore, to have to oppose this resolution.' The report of the Public Services Commission was, however, published in the same year, that is, in 1916, and the Commission made the recommendation that the initial pay of a Munsiff, as soon as he is confirmed, should be Rs. 300. We find the following in the report of the Commission : 'On the judicial side the position is somewhat different. Here recruits will have to possess the LL.B. qualification, and will thus have had a longer educational course. They will also be older than their executive colleagues. This is the reason for starting them on a higher initial rate of salary and for bringing them to the top of the incremental scale in a short period. We, therefore, recommend that probationers be given a salary of Rs. 200 a month, and that on confirmation officers be remunerated on a scale of Rs. 3C0—40-3—500 a month.' When, however, my hon'ble friend, Mr. Fazl-ul Haq, again moved the identical resolution this day last year, Nawab Sir Syed Shams-ul-Huda, after stating that there was no difference of opinion as to the value of the services of the Munsiffs to the Government and to the public, said : 'The report (the report of the Public Services Commission) has now been published and now we know what the recommendations are, and if Hon'ble Member had cared to examine them he would probably have found that he was rendering a very doubtful service to the Munsiffs by recommending an initial pay of Rs. 250 for them, for, as a matter of fact, the recommendations of the Commission show that they desire that the initial pay of the Munsiffs should be Rs. 300. The Government of India have promised that they would consider the matter more expeditiously. It seems strange that we should be asked to take the matter out of the hands of the Government of India at the present time by giving the Munsiffs an initial pay of Rs. 250.'

My Lord, I have traced the history of this question from the year 1914 when provision was actually made in the Budget estimates for giving effect to what I am moving for. Then comes the Public Services Commission, then the report and, to the surprise of many, the initial pay being not Rs. 250, but Rs. 300, and then we are told by the Government, that we are rendering doubtful service by moving for increasing the initial pay from Rs. 200 to Rs. 250, whereas the Commission had recommended it to be Rs. 300. All this looks very well on paper, but when we come to the actual state of things we find that for the last four years the Government have been for some reason or other, at least for reasons not very clear to us, putting off giving effect to the resolution. Is it because the non-official Indian members have been incessantly pressing the claims of the Munsifts? We cannot bring ourselves to believe that financial difficulties have stood in the way. It is our firm conviction that when Government have determined to carry out a project, budget or no budget and whatever the expenditure may be, Government have carried it out and always found the money. Why, it is only the other day that about two lakhs of rupees were spent in acquiring land for the Bengal Secretariat Press though there was no provision in the Budget estimates for the current year, viz., 1917-18, for such acquisition.

We have a right to ask as to the reasons why provision of Rs. 21,000 for increasing the initial salary of the Munsiffs was made in 1914-15, but not given effect to. Unfortunately we cannot bring ourselves to believe that appointment of the Public Services Commission stood in the way, for the Commission was appointed in September 1912 and provision was made subsequent thereto. The report of the Commission was published in 1916 and we are in the year of grace of 1918.

Now as regards the amount which may be necessary to carry out this reform. It appears from the Civil List, 1917, that there were 89 Munsiffs on the fifth grade, that is, those who were drawing Rs. 200 a month. In the Civil List of 1918 I find there are 85 such officers, whereas there are 49

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Dr. Deba Prasad Sarbadhikari.

officers who are officiating as Munsifis. If the increase is given only to the permanent incumbents it will require annually about Rs. 20,000, whereas if the officiating incumbents be also paid at Rs. 250, the annual expenditure would come to about Rs. 50,000.

Now as regards the ways and means. My resolution is that the expenditure may be met from the lump provision of Rs. 60,308 provided for regrading of sub-inspectors and head-constables. It is a new item altogether introduced in the Budget this year. We are told that the regrading of these officers, as fixed by the Commission only a few years ago and according to which the sub-inspectors and head-constables have been regraded, has not given satisfaction, and it is, therefore, necessary to regrade them and add a sum of nearly Rs. 61,000 to the recurring expenditure of the Province. So far as we are aware no second commission has been constituted for considering the question of regrading these officers, at least, we are not aware of the appointment of any such commission or committee. This question may, therefore, be postponed for the present. We find, however, that the scale of pay fixed by Royal Commission as regards the initial pay of the Munsiffs has not been given effect to and has been postponed indefinitely and their recommendation shelved at least for the present on the ground of financial difficulty, and what other difficulty heaven alone knows. On the principle that half a loaf is better than no loaf at all, I move that the initial pay of the Munsiffs be Rs. 250 and not Rs. 300 as recommended by the Commission and provision be made in the Budget estimates of 1918-19 for this increase of pay. There is a general impression that the Government looks upon the Judicial Service, which is the earning member of the administrative family, in a stepmotherly way. It is for Your Lordship to remove that impression."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"My Lord, I shall not be ungenerous enough to assume that effect has not been given to our suggestion in this matter because the Indian non-official members of Your Excellency's Council have been so persistent in bringing it forward year after year This resolution has been described as a hardy annual of three years' standing. As far as I can look back this question has been persistently brought up before the Council for the last ten or eleven years. I claim and admit that many matters connected with Judicial or Executive Service that have been pressed on the attention of the Council from time to time have received favourable treatment at the hands of Government. As I had occasion at a previous debate to observe that it so happens that a resolution brought forward this year may not find acceptance immediately or the next year, but if there is reason behind it Government generally takes it up and gives effect to it. But why this particular matter has been treated in this way, the Council will be glad to know. Of course the question of financial difficulty is always there. It has been with us and always will be with us, but we have had other provisions, but less important matters and have given effect to them. If there is any immediate chance of the recommendations of the Public Services Commission being adopted and given effect to, I am not prepared to accept the half loaf. Under those recommendations, these very deserving officers are entitled to an initial salary of Rs. 300, and that is why I have named a figure larger than the Hon'ble Babu Surendra Nath Ray's. I do not know how this resolution stands with regard to the educational service Your Excellency has appointed a very representative and comprehensive committee to go into the question. There may be difference of opinion with regard to the Educational Services and it may require further consideration, but with regard to the improvement of pay and prospects of the Judicial Service I have not heard that there is any difference of opinion with regard to what the Commission has suggested and what ought to be done. Under these circumstances it appears to me that no time should be lost, unless there are reasons that are convincing

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in giving effect to these recommendations. I do not wish to compare the Judicial Service with the Executive Service. They are both excellent services, doing good work. It is the good fortune of the Judicial Service that they earn revenue for Government. That is not the work of the Executive Service and therefore nothing turns upon that aspect of the question. That makes no difference in the situation. Those who have to join the Judicial Service have to be men of a different stamp from those of the Executive Service. People who have any chance of success in the profession do not readily take to service unless they are obliged to do so. With better prospects, it may be possible to draw a better class of practitioners, and that in itself would be a great reason for improving the prospects of the service. For these reasons I support the Hon'ble Maulvi A. K. Fazl-ul Haq's resolution, and I do not think it would be necessary for me to formally move the resolution which stands in my name. If the Hon'ble Mr. Haq's resolution is accepted my purpose will be served."

The Hon'ble MAULVI ABUL KASEM said:—

"My Lord, after all that has been said I think it is absolutely unnecessary for me to say anything except that I support this resolution. I support this resolution in the Council whether it is given effect to or not. The justice of the case advocated in this resolution has been admitted by the Government, and the only question is whether its relative importance to other expenditure provided for in the Budget is sufficiently great, and I think, my Lord, that this question has been allowed to rest so long that it is time that it be taken up and that something be done to do justice to these officers of Government, and I hope Government will see its way to accept it."

The Hon'ble MR. KERR said:—

"My Lord, as Hon'ble Members, who have spoken before me, have stated this is an old question, the details of which ought to be familiar to this Council. It would seem, however, that there is still some misapprehension about the matter, and it will be just as well for me to give a history of the case shortly. The whole origin of this trouble is that in 1912 the pay of the lowest grade of Deputy Collectors was raised from Rs. 200 to Rs 250. The Munsiffs naturally enough felt that they were entitled to a similar increase in the pay of their lowest grade, and I must say that I have considerable sympathy with them. I do suggest, however, that it is going too far to talk about a wrong done to the Munsiffs; it is only a question whether the junior Munsiffs on recruitment should draw Rs. 200 or Rs. 250. It may be said that if the matter is so simple as that we should put it right at once. As regards that, I must tell the Council what exactly happened. In 1913, this question was referred to the High Court; and pending the receipt of their report, provision was made in the Budget for 1914-15 for the introduction of this reform. The High Court's proposals were received in August, 1914. They dealt not only with the pay of the lowest grade of Munsiffs, but they also made some rather extensive proposals for the re-organisation of the Provincial Judical Service as a whole. The High Court's proposals were received on the 7th August, 1914, that is to say, three days after the war broke out; and the Council will remember that one of the first things the Government of India did on the outbreak of the war was to put a stop to all expenditure which was not required for measures of immediate and imperative necessity. It was known, too, that the matter was under the consideration of the Royal Commission on the Public Services. It is no wonder, therefore, that the Government of India decided, in September, 1914, that this question of the reorganisation of the Judicial Service in Bengal must await the report of the Public Services Commission. In consequence of this decision, the amount provided in the Budget for 1914-15 for this reform lapsed, and the Munsiffs and their friends in this Council and outside it have always felt that the Munsiffs have been

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in some way defrauded of their just dues. I admit frankly that the junior Munsiffs have had real bad luck, and if I were speaking outside this Council I might use a stronger expression; but I would remind them that they are not the only officers who have been hit by the war and by the necessity of waiting for a decision on the report of the Public Services Commission. The war has gone on longer than most people anticipated in 1914, and the report of the Public Services Commission has taken longer to deal with than most of us expected. The procedure, which the Government of India have adopted in dealing with the report, has been explained more than once in this Council. Briefly, they propose to settle the general principles first and take up the case of individual services thereafter. They have not yet reached the stage at which they will ask us for our detailed recommendations with regard to individual services, but the Government of Bengal fully recognise that the delay which is occurring is causing excusable disappointment to the Munsiffs. We have, therefore, carefully considered, both last year and this year, whether it would be practicable to do anything to expedite the consideration of their case in advance of general action on the Royal Commission's report. There are considerable difficulties about this, and they are due to the fact that the changes proposed by the Royal Commission in regard to the Judicial Service are somewhat extensive and important. As Hon'ble Members know, under the present system candidates for Munsiffships begin by officiating in temporary vacancies. There are often considerable intervals between these officiating vacancies, and the whole system has for some time been regarded as not altogether satisfactory either to the Munsiffs or to the Government. The Royal Commission have proposed that the provincial Judicial Service, like most other services, should have an adequate leave reserve for filling temporary and casual vacancies, and that the recruits to the Judicial Service should begin as probationers on Rs. 200. When they are confirmed, their pay will be raised to Rs. 300; after that they will go up on a time scale by triennial increments of Rs. 40 until they reach Rs. 500; similarly, Subordinate Judges will begin on Rs. 600 and rise to Rs. 800 by annual increments of Rs. 40. Now, these proposals involve a very important change in the existing system of a graded service recruited from the Bar who begin by officiating temporarily in the first instance. There are also rather complicated questions of pensions, etc., to be settled, due to the fact, as several Hon'ble Members have noticed, that Munsiffs enter the service at a comparatively late age. The Royal Commission's scheme is also very different, indeed, from the scheme which was sent up by the High Court in 1914. The question of the method of recruitment of Munsiffs and the substitution of a time scale for a graded service all raise large matters of principles which affect not merely the Judicial Service but other services, and not merely services in Bengal but services all over India. In these circumstances, we feel that we could not rightly ask the Government of India to sanction a mere temporary palliative like the raising of the pay of the lowest grade to Rs. 250 specially as this remedy is not on the lines on which the Royal Commission proposed to reorganise the service. I notice that both the Vice-Chancellor and the Hon'ble Maulvi Fazl-ul Haq seem to think that this half loaf would not afford a satisfactory meal for the Munsiffs. What we have decided to do, therefore, is this. We should have preferred to wait until we get the views of the Government of India on questions of principle—recruitment, time-scale and so on—before we ask for the views of the High Court on the Royal Commission's scheme; but we recognise that considerable delay has already occurred and that more delay is likely to occur before these big questions are settled. We propose, therefore, at once to consult the High Court on the Royal Commission's scheme and to obtain their views. We shall then be in a position to place our conclusions before the Government of India, immediately they are ready to take up the

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case of individual services, and we hope that we shall be able to put the case of the Munsiffs in the forefront or even to send it up in advance of other services. It must, of course, be understood that I am not able to give any promise. The final decision will not rest with the Government of Bengal, but with the Government of India and the Secretary of State. It is, therefore, impossible for us to do what the Hon'ble Maulvi Fazl-ul Haq asks us to do. It is impossible for us to give immediate effect to the recommendations of the Public Services Commission regarding the improvement in the pay and prospects of the Judicial Service. The Hon'ble Member asks us to do something which we cannot possibly do. Nor is it solely a question of funds. If these important matters of principle had been settled and if we had received the orders of the Government of India and the Secretary of State, we should, I have little doubt, be able to find the funds which are required to give effect to this reform. It is at the present stage simply a question of the best tactics to adopt in sending up this case to the higher authorities, and before we can do that, we must get the views of the High Court. I can, however, assure the Council that the Government of Bengal do realise that in view of the delay that has occurred the Munsiffs have a reasonable claim that their case should be expedited as far as possible, and that orders should not be delayed longer than is necessary. I can undertake, on behalf of the Government of Bengal, that nothing we can do in this direction will be left undone. I am sorry that is all the assurance I can give the Council, but it is an assurance not without its value ; and perhaps in these circumstances the Hon'ble Members who have put forward these resolutions will be prepared to leave the matter in the hands of Government."

The Hon'ble RAI DEBENDRA CHANDRA GHOSH BAHADUR said :—

"My Lord, I will only say a very few words. After what has fallen from the Hon'ble Mr. Kerr I do not think it is necessary for me to say anything in justification of the Munsiff's case. All I want is to dispel the impression which might have been created in the minds of some of the Hon'ble Members as regards the initial pay of the junior Munsiffs. Formerly the initial pay of the Munsiff was Rs. 250 a month. That was the pay fixed in the year 1868. That went on for about 30 years, and then it was felt by the Government that it would be proper to class the pay of the junior Munsiffs with that of the junior Deputy Magistrates and that is how the pay of the junior Munsiffs came to be reduced to Rs. 200 a month. I hope that when the question of the increase in the pay of these Munsiffs comes up for consideration, the history of their initial pay will not be forgotten."

The Hon'ble MAULVI A. K. FAZL-UL HAQ said :—

"My Lord, I admit that in allotting expenditure on different items Government have to take into consideration the relative importance of the items of expenditure to be considered. It is true that the Government of India have ruled that in view of the financial stringency through which we are now passing all expenditure, other than those of urgent and immediate necessity should be stopped. The only question which arises, therefore, is whether the proposal contained in this resolution can be called to be a matter of urgent and imperative necessity. That it is a matter of some necessity has already been admitted. That it is a matter of importance has also been conceded. And I think, having regard to all that has taken place in the discussion of this question, that it is also a matter of immediate and urgent necessity. Glancing through the Budget it strikes me as somewhat strange that Government should allot no less than a sum of rupees twenty-one lakhs on items of more or less minor importance compared with the needs and requirements of the judicial branch of the Provincial Civil Service. Let us take into consideration the case of the head-constables. Is it going to be

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Maulvi A. K. Fazl-ul Haq.

seriously urged that the question of the regrading of head-constables is of greater importance than the question of raising the pay of the Munsiffs? Take the case of the ordinary police. Is it going to be seriously urged that this is of far greater importance or of more immediate necessity than that of the regrading of Munsiffs and Sub-Judges? Is it seriously urged that the construction of steam-launches for which a lakh of rupees have been budgetted is of more immediate and urgent necessity—launches for River Police for which Rs. 80,000 have been budgetted? Then, my Lord, there are other items, Bhowanipore Lunatic Asylum, two lakhs; River patrol, Rs. 79,996; additional temporary force for Intelligence Branch, 1,04,308; increase for temporary force, two lakhs; and so forth. I want to question, my Lord, whether all these are of greater importance and of more immediate necessity than the question of the raising of the Munsiff's pay? Is the raising of the pay of the sub-inspectors and head-constables by more than a lakh of more importance? I submit that in view of the fact that money has been found for raising the pay of sub-inspectors and head-constables that the question of regrading the pay of the members of the Provincial Judicial Service should be considered also. It is true we are passing through a financial crisis, but I submit that the money which is needed will be certainly well spent if it is spent in giving effect to the recommendations of the Public Services Commission with regard to the revision of this branch of public service. I quite appreciate the value of the assurance that the Government will try their best to do all that can possibly be done to improve the pay and prospects of the Judicial Service. I have no doubt that all that can possibly be done will be done. But having regard to all that has been done, I do not think that we can simply rest with the assurance of this character. It is true that a reference has got to be made to the High Court, but more than two years have now elapsed since we had the report of the Public Services Commission before us, and I think Government ought to have by this time thought of getting the advice of the High Court in the matter of giving effect to the recommendations of the Public Services Commission. I think, my Lord, we have made out a good case for the Government to accept this resolution, and I hope Government will yet reconsider their decision in this matter."

A division was then taken with the following result:—

Ayes—18.

The Hon'ble Dr. Nilratan Sarkar.
" " Mr. Aminur Rahman.
" " Rev. Dr. G. Howells.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.
" " Rai Debendra Chunder Ghose Bahadur.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul Haq.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " Mr. Altaf Ali.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " Babu Kishori Mohan Chaudhuri.

Noes—19.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. N. D. Beatson Bell, C.S.I., C.I.E.
" " Sir Satyendra Prasanna Sinha, Kt
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Mr. J. H Kerr, C.S.I., C.I.E
" " Mr. J. Donald, C.I.E.
" " Mr. L. S. S. O'Malley.
" " Mr. F. A. A. Cowley.
" " Lt.-Colonel W. J. Buchanan, C.I.E., I.M.S.
" " Mr. C. H. Bompas.
" " Mr. W. C. Wordsworth.
" " Mr. C. F. Payne.
" " Mr. E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. J. Mackenzie.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. F. W. Carter, C.I.E.
" " Mr. W. E. Crum.

The following members abstained from voting:—

The Hon'ble Mr. Provash Chunder Mitter.
" " Rai Sri Nath Ray Bahadur.

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Dr. Deba Prasad Sarbadhikari.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.

" " the Nawab Bahadur of Murshidabad.

" " Raja Hrishikesh Laha, C.I.E

" " Mr. R. Glen.

" " the Maharajadhiraja Bahadur of Burdwan.

" " Rai Radha Charan Pal Bahadur.

" " Mr. E. B. Eden.

" " Mr. E. A. Martin.

" " Mr. H. R. A. Irwin.

" " Mr. M. Asraf Ali Khan Chaudhuri.

" " Babu Mahendra Nath Ray, C.I.E.

" " Mr. K. B. Dutt.

" " Babu Ambika Charan Mazumdar.

The Ayes being 18 and the Noes 19 the motion was lost.

APPENDIX TO THE LIST OF BUSINESS—ITEMS Nos. XIV AND XV.

The following resolutions, which stood in the names of the Hon'ble Babu Surendra Nath Ray and Dr. Deba Prasad Sarbadhikari, respectively, were, by leave of the President, withdrawn :—

This Council recommends to the Governor in Council that—

(*a*) provision be made for Rs. 50,000, or such other sum as may be necessary, to raise the initial pay of the Munsiffs from Rs 200 to Rs. 250 ; and

(*b*) the expenditure be met from the lump provision of Rs. 60,308, provided for regrading of sub-inspectors and head-constables.

This Council recommends to the Governor in Council that—

(*a*) a sum of Rs. 1,00,000 be provided in the Budget for giving effect to the recommendation of the Public Services Commission for increasing the initial salaries of Munsiffs ; and

(*b*) the said sum be taken out of the provision of Rs. 96,58,000 under head Police, District Executive Force.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XVI.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI moved the following resolution :—

This Council recommends to the Governor in Council that—

(*a*) a sum of Rs. 30,000 be added to the Budget Estimate (20,000) for preliminary works in connection with the Damodar Reservoir Scheme ; and

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Mr. Cowley.

(b) the said sum of Rs. 30,000 be taken out of the provision of Rs. 6,54,000 for the construction of buildings in connection with the partition of Midnapore.

He said :—

"My Lord, this also is one of our hardy annuals—hardier than the one which has just been disposed of. Every year this question is brought before the Council in the hope of getting some sort of relief. This year we are fortified better than we used to be before, because Your Excellency was good enough to visit the locality in person and was able to form conclusions which, I hope, are favourable. A very sympathetic reply was given in answer to the deputation that waited on Your Excellency the other day and some of the items provided in the Budget on pages 27 and 28 of the Revised Financial Statement are earnest of what Your Excellency's Government propose to do under the present circumstances. I gratefully acknowledge that the sum provided for the improvement of Buxi khal will go a long way in relieving a certain tract of the country. But my resolution relates mainly to the Damodar reservoir scheme and my submission here is that a little more money ought to be provided for the preliminary work. I must not have the hardihood to tell the department that it ought to spend on preliminary work more than what it thinks ought to be spent. The reason, however, why, I think, that the survey should be thorough and effective is that since the reply to the deputation was given, there has been criticism in the newspapers of the scheme that has been put forward and adverse suggestions have also appeared from men who had known of the scheme while in the service of the department. Any mistake, my Lord, in connection with the scheme would be worse than fatal and we cannot be too careful as to how we proceed. Your Excellency's Government have deputed an expert officer to go on with the work in addition to what Sir Adams-Williams has already done. Whether with regard to a big scheme like this the allotted sum will achieve any good results is doubted by some people who had the handling of the question before, and it is as a result of these criticisms that I ask Your Excellency's Government whether some more money ought not to be provided. It is a big problem no doubt, but the stake is also big. In other countries problems like this have been successfully dealt with. Those who know countries like Holland know what terrible disasters the people had to face before, but which science and zeal have conquered. The conditions are similar here to a certain extent, though I do not forget the difficulties about silting and level and expanse. And if this extra big tract of country is to be given relief a very reliable scheme is necessary. Better far that the scheme should not be undertaken than it should be badly undertaken. I do not for a moment suggest that that will be the case, but what I do suggest is that much more money would be necessary for achieving good results than the sum allotted for the first year. Under these circumstances I venture to suggest that if a preliminary survey is to be effective at least Rs. 50,000 should be provided in the Budget."

The Hon'ble MR. COWLEY said :—

"My Lord, I can assure the Hon'ble Member who has moved this resolution that Government has full sympathy with his desire to push on with the investigations in connection with the construction in the Barakar valley of a reservoir for holding up a portion of the Damodar flood water. The Hon'ble Member has said that he thinks that a sum of Rs. 20,000 which has been provided in the Budget for this purpose is insufficient, and in order to achieve good results we should spend more money on them. I trust that I shall be able to convince the Hon'ble Member that this is not the case. The work on which we are at present engaged is to find a suitable site for a reservoir,

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and having found it to examine it from two standpoints, namely, geological and engineering. At first we want to see what sort of a foundation we may obtain for the reservoir dam and, secondly, whether the nature of the sub-soil is such as will render the reservoir water-tight and resist scour in the neighbourhood of the sluices. We have to ascertain by survey the volume of water which can be impounded by the construction of a dam at the site, and our object being to hold up a volume of 20,000 million feet of water we can arrive at the height of the dam which is requisite, and the area which will be submerged by the lake when the reservoir is full. We have also to examine other questions, such as the nature of the catchment area of the river, the nature of the sediment carried by the river when in flood and the volume of the discharge. Those are the questions which we have at present to enquire upon and solve. When we have found a site which is satisfactory both from the geological and engineering points of view we will then have to design the reservoir dam and prepare the estimates. The estimates when ready will first be shown to and examined by the Inspector-General of Irrigation and finally submitted to the Government of India for the sanction of that Government or of the Secretary of State in England. It will be seen, therefore, that our preliminary works, that is to say, works which we are about to carry out are not of a costly nature. In addition we shall have the expert assistance of the Inspector-General of Irrigation and we shall no doubt apply to the Government of India for the services of an expert officer from the Geological Department to report on the site from a geological standpoint. Our preliminary work must be absolutely thorough and sound. The responsibility for the preparation of a project of this nature is very great and requires months of anxious and careful deliberation, but the actual expenditure in cash during the current year will be limited to survey work, the purchase of camp equipments and mathematical instruments, the making of borings and petty works costing small sums. We have provided Rs. 20,000 for expenditure next year and we do not require more for the preparation of this project, therefore I do not agree with the Hon'ble Member that a larger provision for expenditure in the next year's Budget is required. The point is that the time has not yet arrived when we can do more. We have first to prepare our project and then find out what it would cost and submit it to the expert officers of the Government of India for sanction. I hope that this explanation will satisfy the Hon'ble Member that the Budget provision is not inadequate for our present purposes. In any case we shall not stop our investigations if we find ourselves running short of funds; but as I have said I do not anticipate that this will be the case. I trust, therefore, that the Hon'ble Member will not press this resolution."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"My Lord, I was not anticipating the work to which the Hon'ble Member has referred. It is the preliminary work pure and simple to which my observations related. I do not propose a reversion to the *Satya Juga* and try to force more money upon an unwilling department, and if the result can be achieved with Rs. 20,000. I should think that the Public Works Department ought to receive a better certificate than the public has been willing to give them so long"

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XVII.

The Hon'ble Rai MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that the scheme for the construction of building in connection with the partition of Midnapore

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Rai Mahendra Chandra Mitra Bahadur.

be postponed for the present and that as much money as possible out of the sum of Rs. 6,64,000 for that purpose be allotted to increase the grant in connection with the projects for mitigating the effect of the terrible floods of the Damodar in the Burdwan Division.

He said :—

"My Lord, in consequence of the great struggle in which the Empire is now engaged I think that the present moment is hardly the time for carrying out any expensive scheme of doubtful utility such as the partitioning of the district of Midnapore. We are to provide for the heavy 'liabilities which in one way or another will come upon us shortly after the war is over. The war imposes on us the necessity for conservation of our resources.' My Lord, in connection with the partition of the district of Midnapore, how can we meet a heavy recurring expenditure on account of the maintenance of the officers to be appointed ?

At the Council meeting last year, the Hon'ble Mr. P. C. Lyon, C.S.I., pointed out that the district of Midnapore 'has very special difficulties of its own. In fact, a considerable portion of its area is inhabited by aboriginal tribes differing entirely from the population of the other parts of the district. It has also very large Government estates and Canal Irrigation areas and other special difficulties.'

My friend, the Hon'ble Mr. O'Malley while discussing the general administration of this district at some length in his valuable treatise, the Gazetteer of Midnapore, has not raised the question of partitioning this district. Besides, the proofs of this book were read and revised by two eminent civilians, viz., W. A. Marr, Esq., I.C.S., Collector of Midnapore, and D. Weston, Esq., I.C.S., formerly Collector of Midnapore.

My Lord, I quote the following figures from the Report of the District Administration Committee, submitted to Government of Bengal in May 1914 (*vide* page 39) for the purpose of comparison and careful consideration of Your Excellency's Council :—

	Area. Sq. miles.
Midnapore	5,145
24-Parganas	4,844

	Population.	Sub-division.
Midnapore	2,821,201	4
24-Parganas	2,434,104	5

	No. of Municipalities.	Municipal Income in 1915-16. Rs.
Midnapore	7	1,58,407
24-Parganas	23	11,57,561

	Collector's Correspondence. Receipts.	Collector's Correspondence. Issues.
Midnapore	33,274	28,155
24-Parganas	39,591	37,451

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Rai Mahendra Chandra Mitra Bahadur.

	Cases tried by Magistrates.	
	Original.	Appeals and Revisions.
Midnapore	4,765	206
24-Parganas	34,281	268

	Cases committed to Sessions.
Midnapore	46
24-Parganas	78

	Number of witnesses examined by Magistrates.
Midnapore	11,949
24-Parganas	47,444

	Number of Civil Suits tried in Civil Courts.
Midnapore	35,024
24-Parganas	43,090

My Lord, from the above statement, it will undoubtedly appear to Your Excellency's Council that there is no urgency at all for partitioning the district of Midnapore for efficient administration of the district.

The proposals for the partition of the district of Midnapore were abandoned on 'financial considerations' in 1885 by Government.

My Lord, on account of the war the financial position of Government has not improved now.

The Government of India declined "mainly on political grounds" to proceed any further with the question of partition of Midnapore, and an Additional District Magistrate for Midnapore was appointed in 1908.

Last year, the Hon'ble Mr. Lyon observed at the Council meeting that 'so long as these districts (*i.e.*, Mymensingh and Midnapore) remain undivided, we can expect but little improvement in sanitation because the whole unit is too big, whether it be the Collectorate or the District Board.' My Lord, non-official gentlemen are now being appointed as Chairmen of District Boards, and therefore District Magistrates are relieved of their multifarious duties connected with the administration of District Boards.

My Lord, it is not the question of area alone which can effect marked improvement in the efficient administration of a district, but it is the question of funds available at the disposal of the district officer for expenditure in his own district. It is not the question of total income of a district from various sources, such as excise, income-tax, etc., not to speak of its land revenue, but it is the question of allotment from the provincial as well as grant from the Imperial Government. Money should be provided to solve the problems in connection with the legitimate and chronic complaints about sanitation or drainage and irrigation which seriously affect the people who contribute their share to increase the income of the district they live in.

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Maulvi Abul Kasem.

My Lord, let me take the case of Howrah district for purpose of comparison; because the area of Howrah district is 510 square miles and it is the smallest district in the Presidency of Bengal, with a population of about 8½ lakhs being less numerous than any other district in the Province except Darjeeling. The district of Howrah is still under the Collector of Hooghly and therefore the District Magistrate of Howrah has got a greater amount of time at his disposal to look after the smallest area of his district in the Presidency of Bengal. But what of that? The paddy-fields of several mauzas in the Uluberia subdivision of Howrah district are still under water, and immense damage is done to crops every year for want of proper drainage; the helpless raiyat and encumbered landlords are on the verge of ruin. But 'Government are not taking steps to carry out any work for the speedy drainage of this area.' I have been informed at the Council meeting by the Hon'ble Member in charge that 'the area will be efficiently drained when effect is given to the Amta drainage project. The solution of the problem has already been found and that the only obstacle being money.' In 1873 Colonel Haig, Chief Engineer of Bengal, recommended the Amta scheme for the drainage of 84 square miles. Of the rural thanas in the district of Howrah 'Amta is the most unhealthy' (*vide* page 52, District Gazetteer of Howrah by Hon'ble Mr. O'Malley).

The Amta drainage scheme 'has already been approved by Government and is only awaiting funds.'

My Lord, in connection with the Damodar floods, we are extremely thankful to your Excellency's sympathetic reply to the members of the deputation that waited upon your Excellency in February last, but unfortunately, sufficient provision has not been made in the Budget for all the proposed new measures and improved drainage as mentioned in the reply.

My Lord, I humbly appeal to your Excellency's Council that the scheme for the construction of building in connection with the partition of Midnapore be postponed for the present and that as much money as possible out of the sum of Rs. 6,64,000 for that purpose be allotted to increase the grant in connection with the projects for mitigating the effect of floods of the Damodar that most seriously affect every year the lives and properties of thousands of poor inhabitants of about 800 villages in the Burdwan Division."

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, I rise to support my friend, and in doing so I must say that the people of the Burdwan Division gratefully appreciate the very sympathetic attitude taken up by Government with reference to the question of the flood area. My Lord, high hopes have been raised on the minds of the people by Your Excellency's visit to some of the affected areas and they believe that something substantial will be done in the near future. Your Excellency was pleased to give us a detailed account of what it was proposed to do and I rise now simply to impress upon your Excellency's Government that the Damodar and Ajai floods have brought the cultivators in a large area in the district of Burdwan and Hooghly to a distressful condition and the situation at the present moment is very critical. And if relief is delayed and the country is allowed to be flooded next year again the result will be that the districts of Burdwan, Hooghly and Howrah will be practically devastated. I hope, My Lord, something will be done before the coming rains to give timely relief, at any rate, to the people by the protection of the crops for at least one or two years, so that the people may have something to fall back upon. With these words I commend the resolution to the Council with the hope that something will be done for our cultivators."

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Mr. Cowley ; Rài Mahendra Chandrà Mitra Bahadur.

The Hon'ble MR. COWLEY said :—

"My Lord, the subject matter of this resolution is receiving the sympathetic consideration of Government. Our scheme for mitigating the effects of these floods of the river Damodar have also been explained in this Council several times. They are being pushed forward as quickly as we can. We cannot in the course of one year or six months finish or complete any one of these schemes. The work consists to a very great extent in the acquisition of land and the excavation of earth. Both of these proceedings take much time and do not involve expenditure at a rapid rate To spend a large sum of money on earthwork means that a very large amount of earth has to be excavated and the time at our disposal is limited by physical conditions.

In regard to the expenditure if we had a dredger available for dredging the Hoorhoora Khal we could no doubt proceed with our work more rapidly and consequently spend a large sum over and above that provided for in the budget. As has been explained more than once in this Council we cannot at the present time purchase a dredger. We have only two dredgers available for use, but both these are fully employed for the maintenance of our waterways. We cannot take up the excavation of the Chetooa escape channel at present for the reason that we have not completed yet the collection of all the hydraulic data which is necessary for the proper alignment of that escape channel. Consequently the work cannot be undertaken, but we shall push on with the schemes we have in hand. I can, however, assure the Hon'ble Member who has moved this resolution that Government is just as anxious as he can be to see these works completed, but I cannot promise that they will be completed in one year or three years, but that the work will be pushed on as rapidly as possible. We have provided in our budget for the next year for as much work as we think we can possibly do, and we do not anticipate that even had we further large sums of money we could spend it. I trust, therefore, that the Hon'ble Mover will see that in the circumstances an addition to the grant is not necessary and I hope he will not press his resolution."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said

"My Lord, I have submitted my views in support of the resolution, and I thought that it would be accepted by the Council without any hesitation. There are two questions before the Council now : The first is the difficulty to which the raiyats have been put owing to the floods of the Damodar river and the second is the question whether for the convenience of administrative work some buildings are to be constructed. Now it is for the Council to decide these questions ; it requires no argument of mine to support the resolution. On one side we have the question of humanity and on the other side the question of efficiency. We have to consider whether there is any necessity of keeping in hand Rs. 6,64,000 for the purpose of building in connection with the partition of Midnapore or to spend the money for the mitigation of the effect of the floods. It is only f r the consideration of Government whether the raiyats of 800 villages situated as they are at present without any help from anybody cannot expect help from Government in such urgent matters.

I find, My Lord, in the budget that a sum of Rs. 20,000 has been allotted as a preliminary measure to mitigate the effects of the flood. Now if it is said that the amount will be increased next year it will not put the raiyats in a comfortable position. Your Lordship had been to the affected area and Your Lordship must have been convinced that it is necessary for Government to pay at once as much money as is possible under the circumstances. I can only endorse to the sufferings of these poor villagers ; they have been moving

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The President; Rai Mahendra Chandra Mitra Bahadur.

from field to field without getting a morsel of rice or bread. That being the position of the raiyats I claim for them your Excellency's consideration that if money is to be spent for their benefit it must be done at once. Therefore, I strongly appeal to Your Excellency's Government to postpone the construction of the buildings for the partition of Midnapore and spend the amount as much as possible for the comfort of these villagers. I cannot describe the pitiable condition of the raiyats. If it is said that because it has been settled that buildings are to be constructed and therefore the money is to be spent on that account, my humble submission is that Government has full authority to reconsider the matter and allow the construction of the buildings to be postponed and spend the money for the benefit of the raiyats. I appeal, therefore, on the grounds of humanity for the acceptance of this resolution."

The resolution was then put and lost.

The PRESIDENT said :—

"For the convenience of Hon'ble Members I propose to take one more resolution this evening and after discussing the next resolution (No. XVIII) on the order paper, I shall adjourn the Council until to-morrow."

RESOLUTION No. XVIII.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XVIII.

The Hon'ble Rai MAHENDRA CHANDRA MITRA Bahadur moved the following resolution :—

This Council recommends to the Governor in Council that the projects for the acquisition of land in connection with the partition of Mymensingh be postponed for the present and the sum of Rs. 6,50,000 for that purpose be allotted to provide funds for building a hostel for the Medical College, Calcutta.

He said :—

"In moving the resolution I have already submitted my views in connection with the partition of Mymensingh.

As the result of my last year's resolution on the subject of a hostel for the Indian students of the Medical College, Calcutta, they have been accommodated in a building hired for the purpose at a great distance from the college which they are to attend several times during night and day. This temporary arrangement is not satisfactory, specially during the rainy season. The collegiate students of the Presidency College, Calcutta, viz., the students of the Hindu and Hare Schools who have no hostels, will be accommodated in the Hindu Hostel, if it ever be vacated at all by the students of the Presidency College. The following note by the Hon'ble Surgeon-General of the Government of Bengal quoted from the Annual Report of the Medical College, Calcutta, for the year 1916-17, which was forwarded to the Secretary to the Government of Bengal, Financial (Medical)

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Sir Henry Wheeler.

Department, dated the 27th August 1917, will surely convince Your Excellency's Council of the most urgent need for hostels for the Indian students of the Medical College :—

'The question of hostel accommodation for the students has become more pressing than ever. If we are to be responsible for the protection of our students from all undesirable external influences, we must provide them with proper accommodation and also place them under proper supervision. This can only be done if we have a collegiate hostel. I am aware that the expenditure involved in providing hostel accommodation for five or six hundred studends is a heavy one. At the same time the Medical College of Calcutta will be a century old in a few years. It is a great pity that it should have such fundamental wants still unprovided for, while similar institutions in other Provinces of recent growth are so well furnished with all their needs.'

May I ask Your Excellency what has been done in this connection ?

With these remarks I beg to move the resolution for the consideration of Your Excellency's Council."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, last year the Hon'ble Member moved this same resolution, which then had reference only to the provision of funds for the acquisition of land for this scheme. On the explanation of the case by my Hon'ble friend, Mr. Beatson Bell, the Hon'ble Mover withdrew the resolution ; yet although the position is much what it was last year, except in one respect, as I will explain in a moment, he now desires not only the acquisition of land but also the building of the hostel. The reasons, which were given him last year and which stood in the way of his request, were that, although Government fully recognised the desirability of providing a hostel for medical students, we had, in that year, in relation to the Medical College, given preference to the construction of servants' quarters. and we were hoping to make temporary arrangements for the housing of students. It was also explained that, whereas there was a possibility of certain colleges eventually being removed from Calcutta and thereby rendering vacant the buildings which they now occupied, there were adequate reasons for holding our hands before embarking upon a fresh ambitious project. This will be an expensive scheme, and the first estimate of its cost amounted to no less than Rs. 20½ lakhs. It was cut down in 1909 to Rs. 14½ lakhs to make provision for some 300 students. but even at that it is obviously a big affair.

That being the situation last year it is somewhat similar now ; we are still constructing the servants' quarters, and we have still this unsolved problem of the possible removal of some of the colleges from Calcutta to the suburbs. But in the matter of providing temporary accommodation we have redeemed the pledge of last year. The Principal's report of 1918 says that up to the end of last session students, other than those living, or supposed to be living, with parents or suitable guardians (numbering about 700), were living in unattached messes, with the exception of a very small number who resided in two attached messes. Practically, all those, therefore, who were not living with parents or guardians, were living in unattached messes. We now, however, have 16 attached messes to accommodate 338 students. There has, therefore, been a very marked improvement in the condition of affairs since last year. It is true that we want to have a hostel which will accommodate about 300 students, but for 300 or 400 students we are already adopting a cheap expedient which at any rate meets the need of the moment, even though we might prefer eventually to have an

Resolutions.

Rai Mahendra Chandra Mitra Bahadur.

expensive hostel. Therefore, Sir, for the time being, looking at the general financial position, I do not think we can afford to spend a large sum for a hostel, more especially if this would entail the postponement of the acquisition of the land for the partition of Mymensingh."

The Hon'ble Rai MAHENDRA CHANDRA MITRA Bahadur said :—

"My Lord, I have put before the Council all the inconvenience felt by the Medical College students. I have also listened to the reply given by the Hon'ble Sir Henry Wheeler. I am persuaded to place my resolution before the Council and I trust that it will be accepted."

The resolution was then put and lost.

The Council was then adjourned till Friday, the 15th March, at 11 A.M., at Government House, Calcutta.

A. M. HUTCHISON,

Secretary to the Bengal Legislative Council and

Secretary to the Govt. of Bengal, Legislative Dept. (Offg.).

CALCUTTA ;

The 9th April, 1918.

APPENDIX A.

(Referred to in Answer to Question No. VII).

Statement regarding the names of European officers of the Educational Department employed on inspection work and their proficiency in the vernacular.

Name of officers employed as Inspectors of Schools.	Their experience of similar work, or the working of schools in Europe or India previous to employment as Inspectors of Schools.	Their length of service in India prior to employment as Inspectors of Schools.	Whether they acquired proficiency in vernacular either before or after their employment as Inspectors of Schools.
1	2	3	4
		Y. M. D.	
1. The Hon'ble Mr. W. C. Wordsworth, formerly Inspector of Schools, Presidency Division.	Taught in schools in England from October 1903 to July 1904 and from September 1905 to December 1907. Held charge of the post of Inspector of European Schools, Bengal, from 2nd January to 4th February, 1912.	7 9 22	Passed the departmental examination in the vernacular before employment as Inspector of Schools.
2. Mr. T. O. D. Dunn, Inspector of Schools, Presidency Division and previously Burdwan Division.	Taught in a school in England from January 1905 to October 1908: was attached to the office of the Inspector of Schools, Dacca Division, for the purpose of training from 7th December 1908 to 5th April 1909.	7 3 29	Has not passed the departmental examination in the vernacular.
*3. Mr. H. E. Stapleton, Inspector of Schools, Dacca Division.	Offg. Principal, Calcutta Madrassa, from 22nd June 1903 to 21st October 1903.	2 11 6	Passed the departmental examination in the vernacular after appointment as Inspector of Schools.
4. Mr. F. C. Turner, formerly Inspector of Schools, Dacca Division.	Was for 3 years Professor of Mathematics, Tewfikuja Madrassa, Cairo. Held charge of the duties of the Head Master of the Dacca School of Engineering in addition to his own duties as Professor, Dacca College, from 23rd November 1907 to 25th April 1908.	11 5 2	Has not passed the departmental examination in the vernacular.
5. Mr. J. W. Gunn, formerly Inspector of Schools, Rajshahi Division, Dacca Division and Chittagong Division.	Taught in schools in England from September 1903 to April 1904, and again from September 1905 to July 1908, and from September 1908 to December 1910; also in Switzerland from September 1904 to July 1905.	11 2 2	Passed the departmental examination in the vernacular after appointment as Inspector of Schools.
6. Mr. M. P. West, Officiating Inspector of Schools, Chittagong Division and formerly of Presidency Division.	Trained for one year in England at the University of Manchester and at the London Day Training College and at the University College, London.	2 6 6	Passed the departmental examination in the vernacular before appointment as Inspector of Schools.
7. Mr. W. E. Griffith, Officiating Inspector of Schools, Burdwan Division.	Taught at schools in England from 1897 to 1906.	9 10 14	Ditto ditto.
8. Mr. G. D. O'Maclear, Inspector of European Schools.	Nil	9 10 3	Has not passed the departmental examination in the vernacular.
9. Mr. A. Mercer, Officiating Inspector of European Schools.	Taught in schools in England from September 1902 to July 1906 and from September 1910 to September 1913.	9 8 3	Ditto ditto.

* Information as to experience in schools in Europe is not available and cannot be obtained as this officer is now a prisoner of war.

APPENDIX B.

(Referred to in Answer to Question No. XIV).

No. 343 Edn., dated Calcutta, the 18th February, 1918.

Memo.—By the Under-Secretary to the Govt. of Bengal, General Department.

COPY of the following forwarded to the Director of Public Instruction, Bengal, for information.

No. 342 Edn., dated Calcutta, the 18th February, 1918.

From—The Secretary to the Government of Bengal, General Department,

To—The Commissioner of the Chittagong Division.

I am directed to refer to the correspondence resting with your letter No. 646C., dated the 15th October, 1917, with which you forward a petition from the Secretary to the Hindu Endowment Committee, Chittagong. The Committee prays (1) that orders should issue prohibiting any Muhammadan gathering for any purpose on what is known as the brickfield land at Sitakund and that the land should not be used as a play-ground for the boys of the High School and the Madrassa, and (2) that the school and the Madrassa should be removed from Sitakund.

2. In reply, I am to say that Government decline to entertain these proposals. They consider that the question whether the brickfield land should be used by the Muhammadans for religious gatherings and by the school boys for a play-ground is a matter for the local officers to decide. Government also see no reason to differ from the conclusion arrived at by you and the Director of Public Instruction in regard to the selection of a site for the Sitakund High English School, and will therefore await your proposals for the construction of the school on the dâk bungalow site.

APPENDIX C.

(Referred to in Answer to Question No. XV).

Statement showing the number of appointments in the Judicial Branch of the Provincial Civil Service, Executive Branch of the Provincial Civil Service and Subordinate Civil Service given to inhabitants of the district of Mymensingh during the years 1908—1917.

Judicial Branch of the Provincial Civil Service.

Years.				Number of appointments.
1908	...	...	...	Nil.
1909	...	...	...	1
1910	...	...	...	2
1911	...	...	...	1
1912	...	...	...	Nil.
1913	...	...	...	Nil
1914	...	...	...	2
1915	...	...	...	1
1916	...	...	...	Nil.
1917	...	...	...	Nil.

Executive Branch of the Provincial Civil Service.

Years				Number of appointments.
1908—1910	...	...	...	Nil.
1911	...	...	...	2
1912—1917	...	...	...	Nil.

Subordinate Civil Service.

Years.				Number of appointments
1908	...	...	...	Nil.
1909	...	...	...	1
1910-11	...	...	...	Nil.
1912	...	...	...	1
1913	...	...	...	1
1914	...	...	...	1
1915—1917	...	...	...	Nil.

APPENDIX D.

(Referred to in Answer to Question No. XVII).

Statement showing the progress of education among Hindus and Muhammadans in the Dacca Division during 1912-13 to 1916-17.

YEAR.	Number of Brahman pupils under instruction.	Percentage of increase compared with previous year.	Number of Hindu non-Brahman pupils under instruction.	Percentage of increase compared with previous year.	Number of Muhammadan pupils under instruction.	Percentage of increase compared with previous year.
1912-13 ...	28,505	......	163,046	......	229,972	......
1913-14 ...	29,112	2·12	169,836	4·16	236,259	2·73
1914-15 ...	29,610	1·71	170,935	·64	257,755	9·09
1915-16 ...	30,694	3·66	173,389	1·43	269,234	4·45
1916-17 ...	32,653	6·38	181,203	4·50	283,533	5·31

APPENDIX E.

(Referred to in Answer to Question No. XXII).

Statement showing the expenditure incurred by District Boards in the Dacca and Rajshahi Divisions during 1917 on the improvement of rivers and khals.

Name of District Board.				Amount spent on the improvement of— Rivers.	Khals.
				Rs.	Rs.
Dacca	...	...	...		200
Faridpur	...	...	...		3,959
Bakarganj	...	...	...		39,228
Rajshahi	...	...	...		971

APPENDIX F.

(Referred to in Answer to Question No. XXIII).

Statement showing the total number of rent suits instituted in the courts of the different districts of the Dacca Division for 1913—1916.

	1913.	1914.	1915.	1916.
Dacca	9,405	7,862	9,372	11,958
Mymensingh	19,239	18,056	20,263	27,682
Faridpur	15,784	16,760	20,338	25,386
Bakarganj	32,982	30,725	32,578	34,199

APPENDIX G.

(Referred to in Answer to Question No. XXXI).

No. 4765, dated Dacca, the 30th November, 1917.

From—S. G. HART, ESQ., I.C.S., Collector of Dacca,

To—The Commissioner of the Dacca Division, Dacca.

WITH reference to your memorandum No. 3771, dated the 29th August, 1917, regarding the sanitary condition of the Manikganj Subdivision, I have the honour to report as follows :—

* * * * * *

3. *Water supply.*—In addition to those sunk by the Local Board the six newly created Union Committees have provided 13 wells during the year 1916, viz :—

Manikganj	6
Baira	3
Saturia	1
Balla	1
Bankhuri	1
Garpara	1
	13

4. *Quinine distribution.*—A permanant advance of 304 packets of quinine treatment was given to 142 Panchayets in 1915 and from the date of receipt of orders making the Sub-Treasury a centre for the distribution of quinine 773 boxes of treatments were issued to vendors in 1915 and 581 boxes in 1916. In the current year up to date 421 boxes have been issued. The decline in issue is attributable to the comparative immunity from malaria which the subdivision enjoyed during the past two years.

There are at present 206 vendors of quinine, viz., 134 Panchayets, 67 Post Masters and 5 outsiders, besides the three Sanitary Inspectors, one of whose duties is the sale of quinine.

Requisitions from vendors for quinine treatments not accompanied by cash are supplied by V.-P. P. A clerk of the Subdivisional office has been entrusted with the work. He keeps a permanent stock of 40 boxes of treatments which is recouped every Treasury day. Requisitions received before noon are supplied on the same day. The clerk gets an allowance of Rs. 10 and the duftri Rs. 2 a month from the District Board.

5. *Dispensaries.*—The Harirampur dispensary, built on the new ed type-plan, has been opened with effect from 1st August 1917, amrov- fair to be one of the most popular dispensaries in the subdivision. ˈ⁴s

Sivalaya.—The site has been raised and contract given out for the construction of the dispensary during the current financial year.

Kalia.—The Tilli dispensary is in a bad way and it is doubtful whether it will not be advisable to close the dispensary and to retain only a doctor drawing a fixed pay from the Board with full liberty regarding private practice. No real interest is taken in the dispensary by the people at Tilli and at Kalia, which is not far away—no better results can be expected. Failing to find any place where intelligent local interest will be taken in a dispensary it will perhaps be thought better to have no dispensary at all.

Baldhara.—A plan for extension and improvement of the dispensary has been submitted and completion and improvement of the dispensary has been submitted and completion of the land acquisition proceedings is awaited.

The Bisnupur thana has not been sanctioned yet and there is no immediate prospect of any dispensary being built there or at Singair.

6. *Malaria doctors.*—No information is available here about their deputation Information may be obtained from the Sanitary Commissioner, Bengal.

7. A cholera doctor was deputed in the month of December 1916, but the small local outbreak of the disease subsided quickly and the doctor returned after a stay of only about a week in the subdivision.

8. *Sanitation parties.*—Two parties, each consisting of an Inspector on Rs. 30, with pony allowance of Rs. 10 and 2 coolies on Rs. 15 per month, were employed in Harirampur and Ghiar thanas from 1st November 1915 to 31st May 1916. They cleared jungle from public places and induced the villagers to clear their lands of jungle and noxious vegitation, disinfected all public wells and tanks, distributed quinine and quinine almanacs, and when a small outbreak of cholera took place in December 1915, distributed cholera pills. The results appearing satisfactory the system was extended and three similar parties were employed on the same duties from November 1916 to May 1917. They will be again employed from the 1st December 1917 till the end of May next.

9. The health of the subdivision has been better during the past two years as the subjoined figures will indicate and as the floods were high in both years it is difficult to speculate as to the extent to which this healthiness was due to the precautionary measures above described.

The floods have, however, been low this year and the healthiness or otherwise of the next autumn and winter months will afford a fair test of the efficacy of the measures undertaken.

The total number of patients treated in the dispensaries of the subdivision in each of the years :—

		1914.	1915.	1916.
Baldhara	...	8,175	6,560	5,029
Baliati	...	6,271	5,819	4,933
Bankhuri	...	5,575	5,160	4,475
Mahadevpur	...	6,155	8,085	6,001
Maluchi	...	16,877	14,505	12,601
Manikganj	...	8,977	8,797	6,748
Tilli	...	9,315	8,579	5,253
Total	...	61,345	57,505	45,040

Number of malaria patients treated in the dispensaries of the subdivision in each of the years :—

		1914.	1915.	1916.
Baldhara	...	2,250	1,374	710
Baliati	...	2,154	1,943	821
Bankhuri	...	2,157	1,477	611
Mahadevpur	...	3,015	2,807	2,803
Maluchi	...	9,645	5,004	1,140
Manikganj	...	3,413	2,273	982
Tilli	...	4,139	2,115	..
Total	...	26,773	16,993	7,067

Similar testimony as to the healthiness of the past two years will be found in the statistics of births and deaths for the period from 1903 to 1916.

APPENDIX H.

(Referred to in Answer to Question No. XXXII).

Statement showing a list of Munsifs in permanent and leave vacancies and of temporary additional Munsifs.

No.	Name and Degree.	Date of joining first Gazetted appointment.	Period of service in first appointment.	Age on the 1st January 1918.
			M. D.	Y. M.
		1913.		
1	Satchidananda Gupta, B.L.	11th Aug. ...	1 15	33 0
2	Manindra Nath Bhanja, B.L.	28th „ ...	0 18	32 11
		1914.		
3	Suresh Chandra Sen, No. II, M.A., B.L.	2nd Feb. ...	2 7	32 11
4	Amulya Charan Chakrabatti, B.L.	25th „ ...	1 0	33 0
5	Surendra Nath Sen, No. II, M.A., B.L.	25th „ ...	1 4	32 10
6	Surendra Chandra Basu, B.L.	9th Mar. ...	0 25	32 9
7	Dwarka Nath De, M.A., B.L.	9th „ ...	2 15	32 10
8	Banku Behari Chatterji, B.L.	18th „ ...	3 10	32 7
9	Dhirendra Nath Guha, M.A., B.L.	23rd „ ...	0 22	32 8
10	Tej Chandra Mukharji, B.L.	20th Apl. ...	0 21	32 6
11	Satish Chandra Banarji, B.L.	20th „ ...	3 18	32 7
12	Sitesh Chandra Sen, M.A., B.L.	26th „ ...	0 11	32 6

No.	NAME AND DEGREE.	Date of joining first gazetted appointment.	Period of service in first appointment.	Age 1st Jan., 1918.
			M. D.	Y. M.
		1914.		
13	Upendra Chandra Mazumdar, B.L.	30th Apl. ...	0 19	32 5
14	Priya Nath Basu, B.L. ...	6th May ...	0 18	32 3
15	Dwijendra Nath Pal, M.A., B.L.	24th July ...	0 16	32 0
		1915.		
16	Biman Bihari Sarkar, M.A., B.L.	12th Jan. ...	2 21	31 11
17	Jyoti Prasad Banerji, B. L. ...	14th " ...	2 18	32 0
18	Mahima Ranjan Mitra, B.L.	15th Feb. ...	7 0	31 10
19	Atul Chandra Ray, B.L. ...	8th Mar. ...	0 25	31 9
20	Shyam Lal Basu, B.L. ...	22nd " ..	0 10	31 1
21	Shailesh Chandra Banerji, B.L.	6th Apl. ...	0 18	31 7
22	Gyanendra Nath Ghosh, B.L.	6th " ...	0 13	31 6
23	Manmatha Kumar Ray, B.L.	18th May ...	4 20	31 5
24	Santi Priya Basu, Barrister-at-Law.	20th " ...	1 0	31 6
25	Jitendra Kumar Biswas, B.L.	23rd " ...	1 19	31 6
26	Subodh Chandra Sarkar, B.L.	24th " ...	2 7	31 6
27	Amulya Kumar Guha, B.L.	4th June ...	0 21	31 6
28	Rajani Kanta Chaudhuri, M.A., B.L.	14th " ...	1 10	31 5
29	Hiran Chandra Mitra, B.L.	14th " ...	0 15	31 6
30	Charu Chandra Basu, M.A., B.L.	5th July ...	0 21	31 4
31	Pratap Chandra Sen Gupta, M.A., B.L.	17th Aug. ...	1 20	31 4
32	Jogesh Chandra Chatarji, B.L.	20th "	1 17	31 0
33	Jagat Nath Basu Ray, M.A., B.L.	28th " ...	0 8	31 1
34	Binay Bhusan Sen, B.L. ...	3rd Sept. ...	0 15	31 3
35	Muhammad Abul Ashan, M.A., B.L.	3rd Dec. ...	0 21	30 11
		1916.		
36	Keshab Chandra Sen, M.A., B.L.	3rd Jan. ...	0 22	30 11
37	Binay Krishna Sen, B.L. ...	3rd " ...	1 15	31 2
38	Basanta Bihari Mukharji, M.A., B.L.	21st Feb. ...	2 15	30 10
39	Bijan Lal Mukharji, B.L. ...	25th Apl. ...	1 20	30 5
40	Bhupendra Nath Mukharji, B.L.	25th " ...	0 26	30 6
41	Ashutosh Mitra, M.A., B.L. ...	25th " ...	0 24	31 0
42	Aditya Chandra Dutta, M.A., B.L.	25th " ...	1 0	30 6
		1917.		
43	Jogindra Kumar De, M.A., B.L.	16th Apl. ...	0 15	28 10
44	Narayan Chandra Basu, B.L.	1st June ...	2 15	28 10
45	Ganendra Kanta Nag, M.A., B.L.	9th " ...	0 13	28 9
46	Probodh Chandra Ghosh, M.A., B.L.	2nd July ...	0 27	28 9
47	Jitendra Nath Chatarji, M.A., B.L.	3rd " ...	1 16	28 8
48	Jyotish Chandra Gupta, B.L.	10th " ...	0 19	28 8

APPENDIX K.

(Referred to in Answer to Question No. XXXV).

Statement showing list of hired buildings in the occupation of the Calcutta Police Department in 1918.

No. of premises.	LOCALITY.	How occupied.	Monthly rent.	Occupier's share of municipal tax per quarter.
			Rs.	Rs. A. P.
8	Shampooker Street	Shampooker police section	200	52 10 3
45-2	Raja Raj Ballav Street	Quarters of additional officer, Shampooker police section.	50	...
16	Shampooker Street	Ditto ditto ...	40	...
61	Sovabazar Street	Ditto ditto ...	290	69 12 3
2	Prosanno Kumar Tagore Street (portion)	Jorabagan patrol outpost	190	...
2	Ditto ditto ...	Quarters of additional officer, Jorabagan section	35	...
151	Cornwallis Street	Burtolla section	200	52 10 3
148	Narkaldanga Main Road	Quarters for junior officer, Burtolla ...	35	...
7	Sambhu Nath Mallick Lane ...	Burrabazar section	1,250	...
20	Muktaram Babu Street	Jorasanko	500	...
12 & 13	Harinbari 1st Lane	" outpost	425	111 14 0
165	Manicktolla Street	" North outpost	160	...
166	Ditto	" ditto	60	...
113	Upper Circular Road	Sukea Street outpost and office of the Deputy Commissioner, North District.	175	52 10 3
8A	Shibnarain Das Lane	Sukea Street section	500	...
121	Upper Circular Road	Additional Constables of Sukea Street section	30	5 0 0
24	Waterloo Street	Waterloo Street outpost	450	98 11 6
55 to 58	Ezra Street	Ditto	1,000	263 4 0
32	Bow Bazar Street	Bow Bazar section	800	171 1 9
34	Kapalitolla Lane	" outpost	200	...
7	Chandney Choke 1st Lane	Chandney outpost	45	...
169	Bow Bazar Street	Moochipara police section	325	85 8 9
107	Ditto	Additional office, Moochipara police section ...	50	...
114	Lower Circular Road	Puddopukur outpost	350	78 15 6
13	Taltolla Bazar Street	Taltolla patrol outpost	250	...
5	Kyd Street	Park Street police section	150	...
4	Ditto	Ditto ditto	600	...
57	Elliot Road	Outpost, Park Street police section ...	300	78 15 6
12	Hungerford Street	South outpost, Park Street police section ...	400	105 4 9
5	Middle Road	Hastings section	100	26 5 3
4	Ditto	Additional men of Hastings section ...	100	...
25	Royd Street	Detective Department. Headquarters ...	700	184 4 3
6-4 & 6-4-1.	Kantapooker Lane	Additional officers, Detective Department ...	80	21 1 0
6-2	Ditto	Ditto ditto ...	70	9 3 6
20	Mohan Bagan Road	Quarters of Inspector, Detective Department...	65	...
109	Ripon Street	Ditto ditto ...	50	...
51	Taltolla Lane	Ditto ditto ...	50	...
22	Shampooker Street	Quarters of Sub-Inspector, Detective Department.	35	...
21-9	Jaunagore Road	Ditto ditto ...	35	...
5	Garpar Road	Quarters of one Sub-Inspector ...	35	...
7-1A	Telipara Lane	Ditto ditto ...	35	...
14	Elysium Row	Office of Special Branch	400	106 9 9
70	Lansdowne Road	Quarters of Assistant Commissioner ...	160	...
13	Nepal Bhattacharjee's Lane ...	Quarters of Head-Constable	25	...
5-2	Raj Narain Biswas Lane	Ditto ditto	25	...
7	Brindaban Mullick Lane	Ditto ditto	25	...
52-1	Baranasi Ghosh Street	Ditto ditto	25	...
265	Bowbazar Street (portion)	Ditto ditto	25	...
53 & 54	Portion of room of 53 and 54, Colootolla Street.	Morgue waiting-room	20	...
100	Grey Street	Quarters of Court Inspectors, Presidency Court	115	28 11 0
73	Musjidbari Street	Quarters of Court Sub-Inspector ...	30	...
157-2-1	Upper Circular Road	Quarters of Chief Court Inspector ...	55	...
28	McLeod Street	European Court Inspector, Presidency Court ...	100	...

No. of premises.	Locality.	How occupied.	Monthly rent.	Occupier's share of municipal tax per quarter.
			Rs.	Rs. A.
48	Beadon Row	Court Sub-Inspector, Presidency Court ...	35	...
66	Mayapore Road	Ditto ...	35	...
20-1	Ghosh Lane	Court Sub-Inspector, Alipore Court ...	40	...
5-2	Wellesley Street	Court Inspector, Sealdah Court ...	50	...
1	Sandell Street	Court Sub-Inspector, Juvenile Court ...	35	...
13	Wellesley Street	Inspector, High Court Guard ...	50	...
87-1	Lower Chitpore Road	Inspector, Kabuli Guard	60	23 11 0
89-8	Ditto	Head-Constables and Constables for control of Kabulis.	40	...
6	Mohan Bagan Row	European Inspectors, Headquarters Force ...	70	...
19	Lal Bazar	Head-Constables and Constables of Headquarters Force.	850	258 3 6
43	Chuttawalla Gully	Ditto ditto ...	115	56 9 6
3	South Road Entally	Inspector, Malkhana	100	...
75	Diamond Harbour Road	Assistant Commissioner, Port Police ...	125	...
58	Barrackpore Trunk Road	Quarters of Deputy Commissioner, North District.	150	...
7	Alipore Lane	Quarters of Deputy Commissioner, Detective Department.	270	...
15	Camac Street	Quarters of Deputy Commissioner, South District.	400	...
14	Esplanade Mansions	Quarters of Deputy Commissioner, Headquarters	320	...
88	Haris Mookherjee Road	Assistant Commissioner, South Suburbs ...	170	...
1	Wellesley Place	Calcutta Mounted Police stables	182	165 8 6 per year.
13	Free School Street suite of rooms) ...	Inspector, Motor Car Department ...	50	...
20-2	Elliot Road	Sub-Inspector, Motor Car Department ...	50	...
33	Baker Road	European officer of the 3rd Company of Armed Police.	100	...
91	Lower Circular Road	European Inspector, Detective Department ...	109	...
54	Dobson Road	Howrah Special Traffic Police Headquarters	225	77 0 0
67	Elliot Road	European Inspector, Arms Act	115	...
86	Cossipore Road	Cossipore Police, Detective Department ...	150	40 6 0
19	Ditto	Ground rent of Chitpore police section ...	8	49 2 9
49A	Ultadanga Main Road	Additional Constable of Ultadanga section ...	75	23 11 9
16A	Mooraripookur Road	Additional Constables of Manicktolla section	65	...
142	Narikeldanga Main Road	Ditto of Belliaghatta section ...	90	15 0 0
5	Ditto	Belliaghatta section	210	66 3 3
45	Soothitolla Road	Junior Sub-Inspector, Belliaghatta section ...	35	...
65	Christopher Road	Additional Constables of Entally section ...	65	...
30	Middle Road	Ditto Sub-Inspector, Entally section ...	35	...
1-5	Gorachand Road	Beniapooker section	200	47 6 0
17	Store Road	Ballygunge section	360	...
146, 148, 150.	Harish Mookherjee Road	Bhowanipore section	500	118 7 3
55	Russa Road South	Tollygunge section	75	6 0 0
49	Ditto	Additional Constables of Tollygunge section ...	20	...
2	Monimpore Road	Ekbalpore section	150	39 7 9
21	Alipore Road	Additional Constables of Alipore section ...	80	15 12 9
1	Chingrighatta Lane	Tengra outpost	85	9 3 6
132-2	Russa Road South	Monohorpooker outpost	30	8 4 0
24	Mominpore Road	Additional Constables of Ekbalpore section ...	30	7 14 3
39-10	Choulputty Road	Ground rent of Chingrighatta outpost ...	8	6 7 9
28	Gun Foundry Road	Sinthi outpost	22	6 14 9
1-1	Chanderkoomer Roy Lane	Cossipore River patrol outpost	1	2 2 9
43	Challawalla Gully	Barracks of Head-Constables and Constables	100	...
14	Hare Street	Waterloo section	900	204 8 6
9	Biswanath Moti Lall Lane	Additional officer, Waterloo section ...	45	...
82	Grey Street	Quarters for one Head-Constable ...	25	...
23	Shampooker Street	Ditto ditto ...	25	...
39-4	Sukea Street	Assistant Commissioner, North Suburbs ...	140	...
62	Bhowanicharan Dutt Lane ...	For Supervisor, Morgue	50	...
85	Lower Circular Road	House of Detention	300	72 6 3
47	Dobson Road	For Sergeant for passenger traffic at Landing Station.	50	...
6	Saltgolah Lane	Ditto ditto ...	50	...
6	Ditto	Senior Sergeant for River Traffic Police ...	25	...
35	Banamali Sircar Street	Quarters for one Sub-Inspector	50	...
3	Dedar Bux Lane	Quarters for one Inspector	50	...

No. of premises.	Locality.	How occupied.	Monthly rent.	Occupier's share of municipal tax per quarter.
			Rs.	Rs. A. P.
8	Jugdish N. Ray's Lane	One Sub-Inspector's quarters	35	...
43-A	Chaulputty Road ...	Ditto ditto	35	...
4	Dixon Lane	Ditto ditto	35	...
15-D	Sambhu Nath Pandit Street	Ditto ditto	35	...
32	Beni Nandan Street	Eight Inspectors' and Sub-Inspector's quarters	610	...
2	Anthony Bagan Lane	For one Head-Constable	25	...
11	Nepal Bhattacharjee 2nd Lane ...	Ditto	25	...
33	Sastitolla Road	Ditto	25	...
10	Blaquiere Square Lane	Ditto	25	...
2-1	Fakir Chand Dass Lane	Ditto	25	...
36	Banamali Sircar Lane	Ditto	25	...
30	Bokul Bagan 1st Lane	Ditto	25	...
10-1A	Ram Mohan Dutt Road	Ditto	25	...
2	Aga Mahammad Mehdi Street ...	Ditto	25	...
23	Kansaripara Road	Ditto	25	...
6-1	Trafdar Tank 1st Lane	Ditto	25	...
51D	Sambhoo Nath Pandit Street ...	Quarters of Additional officers of Detective Department.	50	...
70	Russa Road, North	Ditto ditto ...	50	...
56	Benapukur Road	Ditto ditto ...	35	...
3-1	Middle Road, Entally	Ditto ditto ...	35	...
104	Lower Chitpore Road	Ditto ditto ...	35	...
7	Totties Lane	Quarters of Married Sergeant	50	...
5	Prinsep Lane	Ditto ditto	50	...
20	Sooterkin Lane	Ditto ditto	50	...
10	Meredith Lane	Ditto ditto	50	...
5	Robert Street	Ditto ditto	40	...
23	Chandney Choke 1st Lane	Ditto ditto	50	...
133C	Dhurrumtolla Street	Ditto ditto	50	...
20	Kenderdine Lane	Ditto ditto	50	...
7	Totties Lane (portion)	Ditto ditto	50	...
4	Chandney Choke 2nd Lane	Ditto ditto	50	...
83	Metcalfe Street	Ditto ditto	45	...
13	Maulvi Imdad Ali Lane	Ditto ditto	50	...
8	Metcalfe Street	Ditto ditto	50	...
6	Creek Row	Ditto ditto	50	...
17	Sooterkin Lane	Ditto ditto	50	...
14	Temple Street	Ditto ditto	50	...
3-1	Cooper Lane	Ditto ditto	50	...
3B	Chowringhee Court	Ditto ditto	50	...
77-2	Dhurrumtolla Street	Ditto ditto	50	...
21	Lock Gate Road	Ditto ditto	50	...
14D	Temple Street	Ditto ditto	50	...
2	Cooper Lane	Ditto ditto	50	...
13	Free School Street	Ditto ditto	50	...
12	Guriamah's Lane	Ditto ditto	50	...
56-2	Bentinck Street	Ditto ditto	50	...
7-1	Sooterkin Lane	Ditto ditto	50	...
1	Dacre Lane	Ditto ditto	50	...
57	Dobson Road	Ditto ditto	50	...
57	Ross Road	Ditto ditto	50	...
35	Creek Road	Ditto ditto	50	...
11	Meredith Lane	Ditto ditto	50	...
145	Narikeldanga Main Road	Quarters for Temporary Sergeants ...	100	...
8	South Road Entally	Ditto ditto	50	...
14J	Temple Street	Ditto ditto	50	...
14	Chapel Road (portion)	Ditto ditto	50	...
14	Marquis Street	Ditto ditto	50	...
17-1	Baitakhana Road	Quarters for Reserve officer	35	...
13	Blockman Street	Ditto ditto	35	...
132	Bokulbagan Road	Ditto ditto	35	...
81	Bhuban Banerjee Lane	Ditto ditto	35	...
1-2 A	Raja Dinendra Narain Roy Street ...	Ditto ditto	35	...
59-2	Dhurrumtolla Street	Ditto ditto	65	...

APPENDIX L.

(Referred to in Answer to Question No. XXXV of the 19th February 1918).

Statement showing the number and the nature of criminal cases for offences committed against the provisions of the salt laws between March 1916 and August 1917 and between September 1917, and January 1918.

District.	Nature of cases.	Cases between March 1916 and August 1917, with date of institution.		
		9 cases	... 18th April,	1916.
		7 „	... 11th December,	„
		7 „	... 26th January,	1917.
		1 case	... 3rd February,	„
		9 cases	... 6th „	„
Midnapore	... Illicit manufacture of salt...	8 „	... 5th March,	„
		6 „	... 23rd „	„
		1 case	... 16th April,	„
		5 cases	... 23rd „	„
		53		
Howrah	... Illicit manufacture and ... possession of salt.	11 cases	... 8th April, 1917.	
		3 cases	... 8th March,	1916.
		9 „	... 16th „	„
		1 case	... 17th „	„
		2 cases	... 23rd „	„
		4 „	... 6th April,	„
		7 „	... 13th „	„
		9 „	... 23rd „	„
		4 „	... 11th May,	„
		6 „	... 14th „	„
		1 case	... 17th „	„
		4 cases	... 22nd „	„
		6 „	... 28th „	„
		4 „	... 11th June,	„
		4 „	... 24th July,	„
		2 „	... 28th October,	„
		1 case	... 25th November,	„
		6 cases	... 31st January,	1917.
		17 „	... 6th February,	„
		5 „	... 17th „	„
		5 „	... 20th „	„
		4 „	... 27th „	„
		17 „	... 6th March,	„
		6 „	... 8th „	„
24-Parganas	... Illicit manufacture of salt...	10 „	... 17th „	„
		9 „	... 21st „	„
		22 „	... 26th „	„
		23 „	... 3rd April,	„
		14 „	... 4th „	„
		1 case	... 11th „	„
		13 cases	... 13th „	„
		9 „	... 19th „	„
		7 „	... 22nd „	„
		5 „	... 24th „	„
		1 case	... 28th „	„
		16 cases	... 29th „	„
		6 „	... 16th May,	„
		12 „	... 23rd „	„
		17 „	... 24th „	„
		18 „	... 30th „	„
		9 „	... 2nd June,	„
		8 „	... 17th „	„
		7 „	... 11th July,	„
		7 „	... 13th „	„
		2 „	... 17th „	„
		2 „	... 19th „	„
		345		
Khulna	... Nil			

District.	Nature of cases.	Cases between March 1916 and August 1917, with dates of institution.
Chittagong	... Illicit manufacture of salt ...	2 cases ... 13th March, 1916.
		4 „ ... 15th „
		9 „ ... 26th „
		2 „ ... 27th „
		11 „ ... 8th „
		11 „ ... 17th „
		1 case ... 23rd April.
		2 cases ... 25th „
		6 „ ... 17th May, „
		1 case ... 7th June, „
		11 cases ... 8th January, 1917.
		1 case ... 25th „ „
		10 cases ... 8th February, „
		11 „ ... 20th „ „
		13 „ ... 23rd „ „
		19 „ ... 28th „ „
		7 „ ... 14th March,
		3 „ ... 15th „
		16 „ ... 22nd „
		21 „ ... 23rd „
		1 case ... 29th „
		7 cases ... 24th May,
		5 „ ... 7th June,
		1 case ... 4th July,
	Total ...	175
Noakhali	... Illicit manufacture of salt ...	11 cases ... 31st March, 1916.
		4 „ ... 6th April, „
		12 „ ... 11th February, 1917
		6 „ ... 2nd April, „
		3 „ ... 6th „ „
		2 „ ... 25th May, „
		5 „ ... 28th „ „
	Total ...	43
	Grand total ...	627

District.	Nature of cases.	Cases between September 1917 and January 1918 with dates of institution.
Midnapore ...	Illicit manufacture of salt	Nil.
Howrah ...		Nil.
24-Parganas ...		1 case ... 14th November, 1917.
Khulna ...		Nil.
Chittagong ...		1 case ... 13th December, „
Noakhali ...		Nil.
	Total ...	2 cases.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Friday, the 15th March, 1918, at 11 A.M.

Present:

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. N. D. BEATSON BELL, C.S.I., C.I.E.

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble LT.-COLONEL W. J. BUCHANAN, C.I.E., I.M.S.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble Mr. J. Mackenzie.

The Hon'ble Mr. W. H. H. Arden-Wood, c.i.e.

The Hon'ble Mr. Aminur Rahaman.

The Hon'ble Mr. R. Glen.

The Hon'ble Rev. Dr. G. Howells.

The Hon'ble Mr. Provash Chunder Mitter.

The Hon'ble Kumar Shib Shekhareswar Ray.

The Hon'ble Dr. Deba Prasad Sarbadhikari, c.i.e.

The Hon'ble Rai Debender Chunder Ghose Bahadur.

The Hon'ble Mr. F. W. Carter, c.i.e.

The Hon'ble Mr. W. E. Crum.

The Hon'ble Mr. E. B. Eden.

The Hon'ble Dr. Abdulla-al-Mamun Suhrawardy.

The Hon'ble Maulvi Abul Kasem.

The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri.

The Hon'ble Maulvi A. K. Fazl-ul-Haq.

The Hon'ble Khan Sahib Aman Ali.

The Hon'ble Mr. Altaf Ali.

The Hon'ble Rai Sri Nath Ray Bahadur.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble Babu Surendra Nath Ray.

The Hon'ble Babu Kishori Mohan Chaudhuri.

Resolutions.

The President; Maulvi Abul Kasem.

[The discussion on the Resolutions on the Revised Financial Statements was resumed.]

THE PRESIDENT said :—

"The Hon'ble Mr. Provash Chandra Mitter is unable to be here at present owing to a public engagement elsewhere, and he has therefore asked my permission to the postponement of Resolution No. XIX until a later period in the day. I have agreed to postpone it and also No. XX which deals with the same subject. The first item this morning will be Resolution No. XXI, and I call upon the Hon'ble Maulvi Abul Kasem to move it."

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXI.

The Hon'ble MAULVI ABUL KASEM moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 2 lakhs be provided for grants for buildings of Secondary Schools ; and

(b) the said sum be met out of the allotment of Rs. 1,04,308 for additional temporary force for Intelligence Branch (Police) and Rs. 2,13,446 for increase of temporary force for District Intelligence staff.

He said :—

"My Lord, I desire to draw the attention of Your Excellency's Government to the fact that under the present regulations of the University, when schools cannot admit a large number of boys, and even in the interests of education itself, it is not desirable that classes should be crammed by a large number of students, it is necessary to have a larger number of schools for the education of our boys. It is admitted, as was stated by the Rev. Dr. Howells that there is a great thirst for education in the country especially, in this Province yet several schools cannot be affiliated to the University for the Matriculation examination and even some secondary schools cannot be approved by the Department on account of their buildings being unsuitable for the purpose. Prior to the regulations passed both by the Department of Public Instruction and the University, schools used to be held in all sorts of houses, brick-built, mud-built and thatched houses as well; but nowadays special attention is paid to school buildings and necessarily before sanction is granted to the affiliation of a school by the University great stress is laid upon the building regulations, and it has been found impossible by public bodies to establish these schools without some aid from Government. In one particular instance, there was a union school started at Rampur Hât. It had been in existence for the last six or seven years and it had on its roll 500 students. An affiliation has not been granted to it, because they have not been able to build a suitable house for its location. This is one of the many schools in the Presidency which suffer for want of a proper building for its accommodation.

My resolution therefore, is a modest request for the provision of funds for the building of schools in this Presidency. I have suggested that the amount may be met from a reduction in the allotment for an additional temporary force for the Intelligence Branch In this connection, I wish to explain that it is not my intention, and I do not believe that it is the intention of any of my non-official colleagues, to object to any expenditure on the police

Resolutions.

Mr. Wordsworth.

administration, as we are all interested in the efficiency of the police administration, for the protection of our own person and property, that the police force should be maintained in an efficient state ; but when we object to the extravagant expenditure on police, we say that the expenditure is not commensurate with the work done by the police, and the efficiency cannot be secured only by a large amount of expenditure on the police. It has been stated that the urgent demands of the police have to be met in order to keep the force in efficiency and carry on the Government, but if the Director of Public Instruction and the Sanitary Commissioner be asked, they will also be able to say that there are many urgent schemes ready for sanction and which cannot be sanctioned for want of funds. But the difference between the police department and other departments is that the police department always attribute all their shortcomings to the want of proper funds and facilities to carry on their business, whereas other departments have not this excuse. I, therefore, submit that provision should be made for 2 lakhs for grants for buildings of secondary schools.

I may also mention, in this connection, that more than a year ago I had the honour of moving a resolution in this Council, to the effect that a Government high school be established at the headquarters of the district of Burdwan. The Hon'ble Mr. Hornell, who was then the Director of Public Instruction, accepted my resolution, and in his speech he stated that such a school was urgently needed in the Burdwan town. Burdwan is one of the two districts in this Presidency where there is not a middle school maintained by Government; but some progress has been made in making the school, a site has been selected, but we cannot proceed further with the school, absolutely for want funds. We have been told that the orders of the Government of India are that we cannot draw on our balance or enter into new expenditure which is not absolutely necessary or of an urgent character. I submit, my Lord, that the starting of secondary schools in this Presidency is of a more urgent and necessary character than the provision of facilities for the police. We all believe that the Police do their work properly with the facilities that are placed at their command at the present moment and that with additional grants they can do much better. But what I would like to urge in this connection is, that the superior officers in the Police department should not show a great anxiety when the actions of their subordinates are criticised ; in that case only the police force will materially improve. With these few words, I beg to commend my resolution to the acceptance of this Council."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, in opposing this Resolution on behalf of Government, I wish to make two things clear ; one, that we have, in our Provincial Education budget, allotted the sum of money for which the Hon'ble Member presses ; the other, that even if we had greater resources given to us this coming year, we could not spend them. This is not in any way a criticism of any department, certainly not of my own department ; it is merely a regret. One Hon'ble Member, in moving yesterday a proposal for the erection of a hostel at Kanchrapara, referred to the want of celerity with which schemes can develop and his animadversion was appreciated by the Council.

"Building schemes progress less rapidly than any others. Their rate of progress is determined by many factors, none of which makes for acceleration. There are the difficulties of finding and purchasing sites, of the preparation and approval of plans and, above all, of securing those local contributions which by Government policy are necessary to secure grants-in-aid from Government. We have considerable experience of our spending power in this matter, and the grants that have come to us have for some

Resolutions.

Maulvi Abul Kasem.

years been found sufficient. We have not asked for more than the usual provision for the next year because we have calculated our possibilities, and do not expect to be able to spend more in the coming year than we have in recent years. The figures that I have for capital grants to non-Government schools and colleges in recent years are :—

	Rs.
1915-16	95,000
1916-17	75,000
1917-18	57,000

and in the coming year, we contemplate spending a lakh on grants to schools, both aided and un-aided. This means that we have a number of schemes which are so far advanced that we can reasonably expect them to be brought, during the coming year, to that point at which Government grants to this extent may be made. It is not probable that any schemes not yet outlined will advance to that point during the year. The present times are peculiarly difficult for schools ; building is expensive, material difficult to obtain, and the local contributions necessary are not forthcoming to the same degree as they were a few years ago. For these reasons the majority of high schools are deciding to postpone building operations until a more convenient time. I trust I have made it clear that the department of Education and Government are in full sympathy with the Hon'ble Member. We shall do what we can ; if we have miscalculated and if it appears that we shall be in a position to use more money in grants than the provision already made in our budget, we shall take steps, in the ordinary administrative way, to meet the position. The figures in our budget are—

	Rs.
for grants-in-aid to Indian schools and colleges, for building and purchase of sites, for hostels	1,75,000
ditto to European schools	30,000

It is not probable that we shall require more than this, and on behalf of the Government, I oppose the resolution."

The Hon'ble MAULVI ABUL KASEM said :—

"The reply given by the Director of Public Instruction on behalf of Government has, I am sorry, come upon me as a surprise. This is the first time that we hear that there is difficulty in spending the money that may be allotted for the purpose of building high schools or grants-in-aid to high schools. So long we have been under the impression that there was no money to be spent. I know that schemes are to be matured before any grant can be made, but very few schemes have been taken in hand and other schemes could not be taken up simply because there was no money to be had. What is the good of drawing up schemes if there is no money? It has been stated by the Director of Public Instruction that it is difficult to get local contributions. I cannot speak with any authority about other schools but the union school at Rampur Hât, in the district of Birbhum. I am sure the local contribution is forthcoming and the Committee has collected money for the purposes of the building, and with a reasonable grant from Government they will be able to build their school and get it affiliated. The only other school which I know of, is the zilla school at Burdwan ; there a site has been selected and the only difficulty is that building operations cannot be commenced before we get the necessary money from Government for starting it. I am, however, glad to find that Government and the Department of Education are in sympathy with this resolution and I trust that if we are able, so far as my part of the province is concerned, to come forward with some scheme the Director will give it a sympathetic

Resolutions.

Babu Kishori Mohan Chaudhuri; Mr. O'Malley.

consideration and that he will be in a position to grant us some money for it I, therefore, beg leave to withdraw the resolution.

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXII.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 50,000 be set apart for creating a provident fund for the benefit of guru training and primary school pandits ; and

(b) the amount be met by curtailing a portion of the sums set apart for the last two items under head "20—Police".

He said :—

"My Lord, I plead the cause of the very poorly paid teachers in the primary schools. We have got a large Imperial recurring grant of 9 lakhs and it was hoped that a large portion of it would go to the benefit of these primary school pandits but unfortunately nothing has been done this year; I have not been able to find any special provision in the budget for the next year also. Something is, no doubt, proposed for the teachers in Government Schools and some Madrassah teachers but nothing for the teachers of the guru training or primary schools. These pandits generally get Rs. 10 to Rs. 15 a month whereas even a coolie earns Rs. 20 a month. Provision has been made for grain compensation allowance to menials but nothing has been done for these poorly paid pandits. I don't know why it is impossible to do anything for them. If something could be done for them it will be much appreciated. I ask in this resolution that a sum of Rs. 50,000 may be set apart for starting a provident fund. As far as I know there is no such provision at present. To give a start, a special sum should be granted and if proper arrangements be made with the help of District Boards these teachers will be largely benefited and when they retire after a service of 20 or 25 years they will have something like Rs. 250 or Rs. 300 to their credit as provision in their old days. This year there was a provision of 98 lakhs in the Education budget but in the Revised budget we see only 81 lakhs; so there is a saving of 17 lakhs. For the next year's budget I see a provision of practically the same amount plus a special grant received from the Imperial Government for primary education; so I think if this modest sum could be set apart and a start given to this much-needed reform it will greatly benefit the poor teachers and they will greatly appreciate the concession. My prayer is very modest and there can be no objection to its being granted. Though it was not clearly stated in my resolution but I had in my mind the curtailment of expenditure on two new proposals, one for the reorganisation of the river police in Eastern Bengal, and another for the establishment of police-stations. There might be some delay in doing these works and also a large sum has been provided under the Police head of the Budget—we may not be able to spend the whole amount. Anyhow the sum may be obtained either from the savings under the head "Education" or the head "Police", and I hope there will be no difficulty in granting the sum. With these few words I commend this resolution to the acceptance of the Council."

The Hon'ble MR. O'MALLEY said :—

"My Lord, the proposal before the Council is that Government should set apart half a lakh to start a provident fund for teachers employed in primary

Resolutions.

Mr. O'Malley.

schools or guru training schools. I may explain, as some Hon'ble Members may not be aware of it, that a guru training school is a school in which a primary school teacher is trained in the art of teaching. As the Council knows, a provident fund is, as a rule, a matter in which employers and employed alone are interested, and before you start a fund, a number of points of principle have to be settled. In some cases the employé's contribution is optional—he may or may not join the fund and be admitted to its benefits—in other cases it is compulsory and a condition of his employment. A contribution up to a certain percentage of pay may be obligatory; a contribution of more than that percentage may be optional. Many employers do not admit low-paid employés to the benefits of a provident fund, either, it may be, because their pay is so small that they cannot be expected to subscribe, or because they have no continuity of service, *i.e.*, they may be employed one week and leave their employment the next. I am afraid I am stating somewhat elementary principles, but I wish to show that the establishment of a provident fund is not a simple matter which can be settled out of hand, especially when a large body of employés is concerned. You have to determine a number of important points. For instance, shall the fund be compulsory or optional? What shall be the contribution of the employer and the employé? What shall be the lowest pay at which an employé shall be allowed to join a provident fund?

Another point, to which I want to draw the attention of the Council, is that a provident fund is, as a rule, started by employers for the benefit of their own employés. The proposal before the Council is that Government should start a provident fund for primary school teachers whether in its employ or not. The number of primary school teachers in Government service in this Presidency is comparatively small. There are, in round figures, 40,000 primary school teachers in Bengal. The great majority are employed in aided schools, *i.e.*, schools which receive grants-in-aid either from Government direct or from local boards or district boards and are maintained with the help of those grants and the income from fees. Teachers in these private schools draw their pay from the school funds, which are, made up of the grants-in-aid and the income from fees. They do not get pay from either Government or the district boards, and are not in their employ. A minority are in the employ of local bodies such as district boards. The latter have their own provident funds, but only employés drawing a certain amount of pay are admitted to them. Other teachers again are employed in unaided schools.

The object of the resolution, so far as I can gather, is that Government should supplement the grants they already give for maintaining schools, and also for increasing the pay of teachers in aided schools, by starting a provident fund for teachers, including those who are neither in the employ of Government nor in that of local bodies, without reference to their rates of pay and without knowing whether their employers will join such a scheme. This proposal, to my thinking, raises complicated issues.

Provident funds have already been started for a few colleges and a certain number of schools without Government aid. In the Presidency Division, they have been started in four selected non-Government schools and the total number of teachers who have joined them is over 1,100. In Chittagong, the Municipal High School has got a provident fund. Other high schools elsewhere have also got a provident fund. These benefit a few teachers and are admittedly a drop in the ocean. Government recognize that there is much to be said for starting provident funds for teachers. It would be an important step in improving the condition of a body of men who perform valuable functions of a public nature—I say public nature as education is a matter of public concern. It would help to create a regular profession by making the prospects of teaching so attractive as to prevent men using

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Mr. O'Malley.

it merely as a stepping stone to other employment. At the same time, I think the Council will realize that a number of knotty questions arise, on which Government are not at present prepared to make any pronouncement of policy. For instance—Should Government start a provident fund at the expense of the State for all teachers? Should a start be made with only certain classes of teachers, *e.g.*, those who have a more or less definite status, who have made teaching their regular profession, and who have a rate of pay which will enable them to subscribe without hardship? How far should employers other than Government, *i.e.*, local bodies, school committees, etc., be required to join in a scheme? These, I venture to submit, are considerations of importance. I trust that the Council will realize that the question is one of real complexity.

Government have, however, endeavoured to tackle the problem. Some time ago it made definite proposals for the establishment of a provident fund for certain institutions. The scheme was submitted to the Government of India, but they directed that it should be reconsidered in the light of proposals for the establishment of a general provident fund for teachers not only of colleges and secondary schools, but also of primary schools. The Director is now engaged in preparing an estimate of cost and seeing to what classes of institutions and teachers such a scheme can be extended. This is a very difficult business, considering the large number of teachers in Bengal (20,000 secondary and 40,000 primary), some under Government and some under local bodies, but most in private employ, their different rates of pay, some fixed and some fluctuating. Some, moreover, have no permanency of employment, being engaged for the term only and then dismissed. Actuarial calculations are necessary, and these are very troublesome.

There is also the question to be considered whether low-paid primary school teachers should be compelled to contribute out of their slender salary. The Hon'ble Babu Kishori Mohan Chaudhuri has stated that pandits get from Rs. 10 to Rs. 15 a month. I am afraid that in some parts of the Presidency they do not get as much. I have here a statement which will show that Pandits in schools under private management get a great deal less. For instance, in the Burdwan and Presidency Divisions (excluding Calcutta), the average rate of pay is :—

	Rs.	A.
Burdwan	7	8
Presidency (excluding Calcutta)	7	8

and in the remaining divisions the average rate is :—

	Rs.	A.
Dacca	7	1
Chittagong	6	7
Rajshahi	7	9

In the case of teachers drawing such low rates of pay I submit that it is more important at present to raise the pay than to deduct money for a provident fund from a small salary.

Sir, I regret that I am unable to accept this resolution in view of these facts. We have no scheme before us for starting provident funds : we must first know what the cost will be, what teachers are to be admitted to it and whether local bodies are likely to join in it. While Government cannot accept the resolution, the Hon'ble Mover may be satisfied that the question is receiving close attention. In the meantime, Government are ready to

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agree, when provident funds are actually started, to set aside a part of the 9 lakhs recurring grant for a Government contribution for primary and secondary school teachers."

The Hon'ble BABU KISORI MOHAN CHAUDHURI said :—

"My Lord, I have heard the reply of the Hon'ble Mr. O'Malley. I know that there are difficulties in the way of accepting my proposal, as a large number of teachers work under local bodies and the latter should be consulted. My idea, however, is that if something be done by Government the local bodies will be able to come forward and the employés also will appreciate the action of Government. I do not mean that anything should be deducted from the pay of the teachers ; but my idea is that even if we cannot pay a large sum, at least we should arrange to pay in some cases direct and in some cases through the help of the local boards for the provision of this fund. I am, however, glad to learn that some scheme is going to be matured and that Government will consider this question sympathetically, and in that view I do not wish to press this resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXIII.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 50,000 be provided in the Budget for contribution towards creation of a Professors' and Teachers' Insurance and Provident Fund ; and

(b) the said sum be taken out of the provision of Rs. 96,58,000 under head Police, District Executive Force.

He said :—

" My Lord, this resolution is somewhat larger in scope than the one that has just been disposed of ; it recommends that a sum of Rs. 50,000 be provided in the budget for contribution towards creation of a Professors' and Teachers' Insurance and Provident Fund and that the said sum be taken out of the Police budget. This is a matter to which I made detailed reference at the last budget debate and I am glad that my Hon'ble friend Babu Kishori Mohan Chaudhuri, has brought forward a resolution dealing with part of this very large question. I was wondering, Sir, how these educational resolutions came to be classed under the head Police. Of course the official explanation would be that we have sought to interfere with police expenditure and that is why it is found its way under that category. But when I looked at the heading first there appeared to my mind the larger principle that good education is really police work. When the teacher is abroad the police work is naturally less. And more schools and better teachers would or ought to mean less crime and thus be a higher form of police work. My Lord, the question of school education is one of the acutest in our present educational policy—whether it touches the University education, or whether it touches industrial, commercial or agricultural education or whether it touches the larger question of primary education, for which, by the way, I am grateful to notice a large provision has been made. That is the feeling everywhere—even where University education is very much at a discount. There can be no difference of opinion that upon the spirit and quality of school education

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depends very much the future of the country. That is why I and many other members of this Council have taken the opportunity of bringing before it some of the problems intimately connected with school education. I am responsible for three resolutions on this paper, one dealing with teachers' and professors' provident fund, another with the housing of schools and the third about the text-books—all intimately connected with the success of the scheme that we all have at heart. After the Hon'ble Mr. O'Malley's very full explanation with regard to the previous resolution I should not have thought of going into details about this resolution. I realize very much the difficulties which the Hon'ble Mr. O'Malley has suggested in regard to primary schools and what my Hon'ble friend Babu Kishori Mohan Chaudhuri kept back has been brought out by the Hon'ble Mr. O'Malley. Our teachers get what we do not venture to offer to our menials. For along time we have not paid them what may be considered a reasonable salary and yet it is necessary that this class of very useful public servants should be better provided for. It stands to reason that they cannot be expected to continue to do good work unless something better is done for them. If we cannot substantially add to their pay, we should try to make them free from those worries and troubles which a family man always has in mind. That is the object of this resolution. I know that there are no ready and formulated schemes before us, but the Hon'ble Mr. O'Malley has told us that the question has long been engaging the attention of the Government and there are already some suggestions for schemes before the Government. Would it not be possible, with the materials before us, to formulate a scheme by which some relief could be given at least for the present. We are attempting to organize village unions, we are attempting to organize co-operative societies very properly, but is it not much more our duty to organize a teachers' guild? Mr. O'Malley has mentioned one difficulty—the lack of continuity of service of teachers. But if we can give them some sort of scheme it will probably be possible to secure continuity of service. If they can make a fairly substantial provision for their families they will naturally stick to their posts and not risk losing the benefits under the scheme. That in itself would be a reason, to my mind, that there should be some effort in this direction. The difficulties that Mr. O'Malley has referred to do not affect the question in the case of high school teachers and college professors. He has given us figures which are more or less correct. There are, we are told, twenty thousand teachers in high schools. But the largeness of this figure strengthens my case.

Then there is the body of professors and teachers in our colleges and schools whose number would be something like 2,000. These useful and important public servants—for though in private service they are public servants in the highest sense of the term are all insufficiently paid. It is a matter of the utmost importance to draw up a scheme to make these men free from pecuniary worry. The way that I propose to work the scheme is as follows :—It makes no difference to a man whether he gets Rs. 19 or Rs. 20 a month, and if that one rupee from his pay goes to the Provident Fund, it would mean much. And as much as he pays in should be paid by his employer. I would have 5 per cent. or even 10 per cent. of this pay divided between the provident fund and the insurance fund. The scheme of insurance may not be favourably looked at, but the insurance scheme would be useful to his unprovided family in case of premature death. If we have a fairly satisfactory insurance scheme of our own added to the provident fund scheme, the result would be very encouraging. At present if his father is dead, the teacher goes quietly to a money lender and borrows money from him for the *sradh* at an interest of Rs. 150 per cent. per annum, and from his pay of Rs. 20 a month, he has got to pay the interest and he has got very little left for the maintenance of the family. But if there is a scheme like this and if he is in need of the

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money he can go to the Secretary and take a loan which he will repay within a fixed period. Another feature of the scheme would be that you make the teacher more independent. The question of compulsory provision will naturally come in. About the continuity of the service, if the teacher left before a certain time he would lose the contribution made by the employing agency and would have to be content only with the return of his own contribution with interest. This would be a sort of premium on the continuity of the service. The question of the continuity of service is far more acute in private, than in Government, institutions. The problem is difficult no doubt, but the very difficulty of it makes it obligatory on us to formulate a scheme. The difficulty of there not being a completely—ready scheme is one that must be reckoned with. No scheme however can be ready till the initiative is taken and in order to do so I suggest that this fifty thousand rupees be earmarked as a part of organising expenses. Sir Edward Maclagan has suggested a scheme but it is purely a provident fund scheme and there is no reason why an insurance scheme should not also be introduced. For all these reasons it appears to me that although the scheme for gurus and pandits may have defects that have been pointed out in connection with the Hon'ble Babu Kishori Mohan Chaudhuri's resolution, in the case of the scheme that I venture to suggest the difficulties are to a certain extent minimized and they are capable of being effectively dealt with. For all these reasons I venture to commend this resolution for the acceptance of the Council."

The Hon'ble DR. HOWELLS said :—

"My Lord, I would like to give my hearty support in a general way to the Hon'ble the Vice-Chancellor in proposing this resolution. It seems to me—and I have thought over it for a long time—that it is really at the root of educational progress in this country. The problem has been recognized for a long time in England and those who have been following educational progress and educational schemes in England know the very big part that problems of this character have played and are playing in all proposals for furthering and improving educational plans for the future. The problem is, as I have seen it for years, a very pressing one in this country. I feel some hesitation in the form of the proposal to take away from the police fund for the furthering of education for I am not for decreasing the efficiency of the police. I believe in making the police force more efficient and better paid, especially in the lower ranks. But as the Hon'ble the Vice-Chancellor has pointed out this problem of sound elementary education under proper conditions has a very definite bearing on the life of the community and even on matters of general *morale* of the country as a whole. All will admit that the foundations of national progress are in the schools and there is no hope of getting thoroughly well equipped and thoroughly efficient schools from all points of view if the teachers are of the lower type. There is in India a real respect for the teachers' calling and the old traditions of the teachers' calling as a sacred one are still to a large degree existent. On the other hand the pressure of modern life is very considerable and even in the teachers' profession the labourer is worthy of his hire. At present I think all will admit that the teachers' calling is most inadequately paid, most inadequately provided for and the general tendency is for the teachers to take a post in a school or college for the time being and to clear out as soon as they are able to do so. We cannot of course compete, it is undesirable to compete from the material point of view with other calling like the police force or like the executive services, but still it is highly desirable if we are to enable men of really high ideals to come in as teachers without feeling that they may be deprived

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at any time of the bare necessaries of life, it is highly important that something should be done and done soon in the direction proposed by this resolution. What I should like to feel is that Government is seriously tackling the problem. Some years ago at Serampore College we had certain proposals sent to us by the Government regarding a provident fund for teachers and professors. We were at the time considering our own provident fund in connection with the College and we thought that Government were really contemplating something on a much bigger and better scale and so for the time we let things drop. Of course in a matter of this nature it is not desirable to be unduly hasty, but the matter is being pressed upon us and for the present we are delaying things. We want to feel that Government are really tackling the problem and tackling it in a far more thorough and satisfactory way than is possible in the case of private institutions. I do think that Government have very great responsibility in the matter and it would be a very real help to those responsible for educational work in this country if we feel that we have the general sympathy of the Government in this problem and that things are really coming to a head and that we may safely postpone for the present our own smaller schemes with the full confidence that before very long a great advance will be made in the direction of formulating a scheme with the intention of making provisions for teachers in this country."

The Hon'ble MR. O'MALLEY said :—

"My Lord, the resolution of the Hon'ble the Vice-Chancellor appears to be of a somewhat larger scope than that moved by the Hon'ble Babu Kishori Mohan Chaudhuri. I take it that the Hon'ble the Vice-Chancellor makes three substantive proposals ; first, that there should be an insurance as well as a provident fund ; secondly, that these shall not be confined to primary schools but also be extended to professors in colleges and teachers in secondary schools. I am sorry that the Hon'ble the Vice-Chancellor has not been able to agree to my figures."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"My figures were based on guess. I accept the Hon'ble Mr. O'Malley's figures."

The Hon'ble MR. O'MALLEY said :—

"The third point of the Hon'ble the Vice-Chancellor is the most important one. So far as I can gather, what the Hon'ble Vice-Chancellor really desires is that the pay and prospects of the teachers should be improved. If we take one rupee from the pay of a teacher on Rs. 20, the net pay will be Rs. 19, so that he can contribute, say, one rupee to the provident fund ; and then Government should raise the pay to Rs. 20. I gather that he means that the pay of all teachers should be increased by 5 per cent. and that they should contribute 5 per cent. of their present pay to the provident fund. I think that the intention is that not only should Government but also private employers, and I presume also local bodies, contribute the 5 per cent. addition. It is somewhat difficult at present to say how far the employers can be compelled to do this. I do not understand also what contribution Government should make when the fund is started, or what rate local or private bodies should make contributions. All this is, if I may say so, without disrespect to the Hon'ble Member, somewhat indefinite ; what is wanted is a practical scheme and that, as I have already told the Council, is now being enquired into by the Director of Public Instruction.

"However, the idea is that Government should start by giving Rs. 50,000 for increasing the pay of teachers. A general all-round increase of 5 per cent. would involve a large sum, the number of secondary teachers in

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Bengal is over 20,000 and there are 40,000 primary teachers. If you take the average pay of secondary teachers at as low a figure as, say, Rs. 200 a year or under Rs. 20 a month, the increase would be 2 lakhs a year. If you assume that the average pay of the primary school teachers is Rs. 100 or a little over Rs. 8 a month, the amount required would be another two lakhs. The grand total for both would on this basis be 4 lakhs a year.

"I may perhaps remind the Hon'ble the Vice-Chancellor of what Government has already done in recent years to increase the pay of teachers owing to the Imperial grants. First, take the case of secondary schools; 1½ lakh is distributed annually among teachers in Government and aided secondary schools so as to bring up their salaries to an adequate scale. Local allowances of Rs. 50 a month are also given to head-masters and head-mistresses of high schools who are in the Subordinate Educational Service and of Rs. 20 to assistant head-masters and head-mistresses of high schools who are in the same Service. Allowances of Rs. 30 a month are also given to head-masters of Middle English schools. It is also proposed to spend over 3 lakhs out of the 9 lakhs grant on increasing the salary of teachers in Government High and Middle English schools and Rs. 1,20,000 in raising the salary of teachers in aided and unaided High and Middle English schools. Our proposals require the sanction of the Secretary of State and his orders are awaited.

"As regards aided primary schools and maktabs, the pay was undoubtedly low and had been raised by 1908 owing to the receipt of what is called the Durbar grant, by Re. 1 in the case of untrained, and by Rs. 3 in the case of trained teachers. Since then the salaries of untrained teachers have been increased by Re. 1 a month and of trained teachers by Rs. 4 a month, at a total cost of 5⅝ lakhs a year, bringing up their pay to Rs. 8 and Rs. 11, respectively; besides this, the stipends of teachers under training have been raised to the uniform rate of Rs. 10 a month. Thanks to the 9 lakhs grant, the pay of trained teachers in boys' schools has now been raised by Rs. 2 a month so as to bring up their pay to Rs. 13 a month, while Rs. 35,000 have been allotted for increasing the pay of teachers in girls' primary schools. These figures will, I trust, be sufficient to show that Government have done their best to raise the pay of teachers in recent years. The increase in the case of untrained teachers is 33⅓ per cent. while the pay of trained teachers has nearly been doubled. I am afraid that without larger funds, Government cannot do more at present.

"The creation of a provident fund is, as I have already said, under consideration, but Government is not yet in a position to say what teachers will be admitted to its benefits and on what terms. Government is, however, ready to set aside from the 9 lakhs grant the sum mentioned by the Hon'ble the Vice-Chancellor for a teachers' provident fund as soon as it can be started."

The Hon'ble Dr. Deba Prasad Sarbadhikari said :—

"My Lord, I am very sorry to be at cross purposes with my Hon'ble friend opposite. So far as I recollect, we have never been so. It is a case of clear misunderstanding and the whole of his methodical argument is lost on the situation. I did not for a moment think of pressing for an increase in the salary of teachers either of Government or of private schools. My resolution asks for a contribution towards the creation of a provident and an insurance fund. I am aware that a large amount of spade-work is to be done; that is why I ask for initial organising expenses; a special officer may have to be appointed, perhaps more than one officer may have to go into the whole question and consider as to which schools or colleges ought

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to be admitted into the scheme, what class of teachers ought to be admitted and so on. And there is also the question of compulsory admission to be considered. And it is for this purpose that I am asking for a fairly small amount of money. I do not know what the scope of the Government scheme is, but if it covers all the ground I have suggested, and if a reasonable scheme is likely to be ready soon, there is no use of my asking for any additional sum for the purpose. Four lakhs of rupees, as the Hon'ble Mr. O'Malley suggests, would be nothing like adequate towards increasing the pay of the teachers. That is not the idea at all. The idea is to start a fund with small contributions from the teachers as well as the employers. As regards compulsion, the trained teachers of recognized schools shall belong to the scheme—so also in the case of professors of recognized colleges. In the case of primary schools the matter will not certainly be easy, because there will be no corresponding controlling authority. The question whether the primary schools for which my Hon'ble friend, Babu Kishori Mohan Chaudhuri has urged, should be allowed to participate in the scheme or not, may be left over if there be insuperable difficulty for present; if we cannot tackle the whole question, there is no reason why we should not try to tackle at least a part of it.

Regarding the police expenditure, I am quite at one with the Hon'ble Dr. Howells. We should do nothing that would weaken or be detrimental to the police force, but I must say that if only Rs. 50,000 is taken out of Rs. 96,58,000, the whole of which I am assured cannot be spent this year, it will not make much difference.

We have it on the authority of the Hon'ble Dr. Howells that other people are sitting with their hands tied because of the expectation that Government are going to do something at the earliest possible opportunity. Government cannot of course fully finance the scheme, nor do I invite the Government to do so. But I do invite them to start the fund as soon as possible to which teachers as well as their employers will have to contribute. The Government may be considering a bigger scheme in connection with the whole question; but the question cannot be taken up unless you first make the special provision for organisation which I have suggested. However, if we are assured that the scheme is being considered in all its aspects, and will soon be ready my object is gained. I do not see that any useful purpose would be served by pressing my resolution. I therefore beg to withdraw it."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXIV.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a sum be set apart for the free distribution of quinine in all municipal towns in the Province especially affected by malaria ; and

(b) the additional sum required over and above the sum of Rs. 3,000 already allotted for this purpose be met from General Reserve under head "32.—Miscellaneous" and by reduction of a portion of the sums set apart for the last two items under head "20.—Police".

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He said :—

"My Lord, in this resolution I suggest that distribution of quinine, as proposed in the budget, should be more liberal. In August last my friend, the Hon'ble Babu Surendra Nath Ray, brought forward this question before Your Lordship and the Hon'ble Mr. Beatson Bell suggested that the question should be properly dealt with at the budget time. Some assurance was then given that the Government would do the needful. That is my excuse for bringing forward this resolution now. I come, my Lord, from a district (Rajshahi) which suffers from malaria. I have seen the report of Dr. Bentley, the Sanitary Commissioner, for the year 1915 and it has been noticed that the death-rate from fever in most of the districts of North Bengal (Birbhum, Nadia and some other districts are also very great sufferers) is more than 38 per mille in comparison with the death-rate of Calcutta, which comes to no more than 5 per mille as far as I remember. It is now an admitted fact that a large use of quinine is the proper remedy for checking the progress of fever. At Malda a travelling dispensary was started and in the report I notice it did useful work. Rs. 3,000 or so is provided in the next year's budget but the sum is very inadequate especially as the price of quinine has gone up very high. I think the most important duty of the Sanitary Department is to fight out malaria first and I cordially acknowledge Your Lordship's great sympathy in this direction. I therefore, hope that a liberal grant will be made for the free distribution of quinine. I know that in mufassal dispensaries there is a great demand for large supplies of quinine but the funds at their disposal are not enough to cope with the difficulty. I have not named a definite sum ; all I suggest is that as far as possible a larger grant should be made than is needed and that by curtailment from "Miscellaneous" under head 32 and some portion may be taken out of the grant for police. In whatever way it may be found my earnest request is, —I am a sufferer from malaria myself and my district is the greatest sufferer (after Rajshahi comes Rangpur, Dinajpur, Bogra and Malda),—that sufficient funds should be provided. With these words I commend my resolution to the acceptance of the Council."

The Hon'ble MR. O'MALLEY said :—

"My Lord, I am afraid that the Hon'ble Mover of this resolution is under a misapprehension as to the object of the provision made for the distribution of quinine to municipalities. This grant was first made about three years ago when the Surgeon-General drew attention to the fact that the amount of quinine given to patients at dispensaries was not enough to cure even mild cases of malarial fever. Inadequate doses being given, patients got no relief, and not unnaturally people suspected the value of quinine. On the other hand, patent medicines containing large doses of quinine found a ready market and were sold at a much higher price. The Surgeon-General urged that doses should be sufficient to ensure recovery and cure, and that not less than one treatment, *i.e.*, 80 grains, should be given to patients suffering from malaria. It was obvious that if these instructions were given effect to, some municipalities would have to spend a good deal more on the supply of quinine to their dispensaries. It was realized that some poorer municipalities might need financial assistance, and therefore Government expressed its readiness to consider applications for grants-in-aid for municipalities whose income was insufficient to meet the additional charge.

"At the same time—and I would lay stress on this principle—it was laid down that the cost of quinine in adequate doses was legitimate charge upon the municipalities and should be borne by them. There was no idea that

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Government should supply quinine free but merely that it should help poor municipalities to provide enough to cure fever when otherwise patients would not get enough. Government must adhere to this principle. It is the duty of municipalities to see to the medical relief of those persons in municipal limits who cannot afford private doctors and to provide quinine like other medicines. Government cannot accept the proposition that it should distribute quinine free to municipalities regardless of their circumstances. The criterion must be the means of municipalities and not the prevalence of malaria. Unfortunately, malaria is prevalent in most parts of Bengal, and if this resolution was accepted, it might be held to mean that Government was expected to provide nearly every municipality with quinine. This is scarcely practicable. Rich municipalities are perfectly well able to provide quinine and cannot expect Government to relieve them of this part of their duty. On the other hand, Government steps in where expenditure is necessary for the relief of fever which a municipality cannot meet. It rests with the municipalities to apply for a grant when they want it. I have examined the returns for the last 3 years and find that one out of every six municipalities has had a quinine grant. The amounts vary according to the financial circumstances of the municipalities. Though the price of quinine has risen, most municipalities can give sufficient supplies without assistance; as a rule needy municipalities only require a small grant. The amount of Rs. 3,000 has generally been found sufficient. In one year it was not sufficient but supplementary grants were made to the municipalities. It is fully expected that the allotment will be found sufficient. If it is not, I have no doubt that Government will by the usual method of administrative routine manage to provide the extra amount required. I regret that I cannot recommend this resolution to the Council."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I am sorry that I am opposed in this prayer. I know at least that for the Municipal dispensary at Rampur Boalia, where the municipal fund is not sufficient to make a special grant to the dispensary for very useful purposes, district board's assistance is sought, and though there is a rule to the effect that no grant should be made from the district board fund for any expenditure within municipal limits yet simply because the municipal dispensary benefits a large number of persons residing outside municipal areas more than Rs. 1,000 annually is granted for the District Board for the purchase of quinine. It is in this way that the municipal dispensary is in a position to meet the demand. Our most important duty is to combat the progress of malaria and Dr. Bentley's report has made it quite clear that a large use of quinine is the most effective remedy. If that is so—and when a large amount is going to be spent for sanitary purposes—I fail to understand why adequate provision should not be made to fight against malaria. I am told that more than Rs. 3,000 will not be required, but as I have just now submitted there is a necessity, and I know of some municipal dispensaries, as for instance, Dinajpur, where more quinine is necessary, but the municipal fund is not sufficient. Moreover, the price of quinine has gone up and that is an additional reason why help should be given. All I suggest is that provision be made: if there is no special demand and if the Council think that it can be met in any other way the money will not be spent. But for emergency a larger provision is necessary. I cannot accept that a provision of Rs. 3,000 will be sufficient for the whole province and therefore I press for the decision of the Council."

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A division was then taken with the following result :—

Ayes—9.

The Hon'ble Dr. Nilratan Sarkar.
" " Mr. Aminur Rahman.
" " Babu Brojendra Kishor Ray Chaudhuri.
The Hon'ble Dr. Deba Prasad Sarbadhikari, C.I.E.
The Hon'ble Rai Debender Chunder Ghose Bahadur.
The Hon'ble Maulvi Abul Kasem.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
The Hon'ble Babu Surendra Nath Ray.
" " Babu Kishori Mohan Chaudhuri.

Noes—25.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
The Hon'ble Mr. N. D. Beatson Bell, C.S.I., C.I.E.
The Hon'ble Sir Satyendra Prasanna Sinha, Kt.
The Hon'ble Mr. C. J. Stevenson-Moore, C.V.O.
The Hon'ble Mr. J. H. Kerr, C.S.I., C.I.E.
" " Mr. J. Donald, C.I.E.
" " Mr. L. S. S. O'Malley.
" " Mr. F. A. A. Cowley.
" " Lt.-Colonel W. J. Buchanan, C.I.E., I.M.S.
The Hon'ble Mr. C. H. Bompas.
" " Mr. W. C. Wordsworth.
" " Mr. C. F. Payne.
" " Mr. E. B. H. Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
The Hon'ble Mr. J. Mackenzie.
" " Mr. W. H. H. Arden-Wood, C.I.E.
The Hon'ble Mr. R. Glen.
" " Rev. Dr. G. Howells.
" " Kumar Shib Shekhareswar Ray.
" " Mr. F. W. Carter, C.I.E.
" " Mr. W. E. Crum.
" " Mr. E. B. Eden.
" " Khan Sahib Aman Ali.
" " Rai Sri Nath Ray Bahadur.
" " Rai Mahendra Chandra Mitra Bahadur.

The following members abstained from voting :—

The Hon'ble Mr. Provash Chunder Mitter.
" " Mr. Altaf Ali.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.I.
" " the Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Raja Hrishikesh Laha, C.I.E.
" " the Maharajadhiraja Bahadur of Burdwan.
" " Mr. Arun Chandra Singha.
" " Rai Radha Charan Pal Bahadur.
" " Mr. E. A. Martin.
" " Mr. H. R. A. Irwin.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi A. K. Fazl-ul-Haq.
" " Babu Bhabendra Chandra Ray.
" " Babu Akhil Chandra Datta.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.
" " Babu Ambika Charan Mazumdar.

The Ayes being 9 and the Noes 25 the resolution was lost.

Resolutions.

Mr. Provash Chunder Mitter.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XIX.

The Hon'ble MR. PROVASH CHUNDER MITTER moved the following Resolution :—

This Council recommends to the Governor in Council that the sum of Rupees six lakhs and sixty-four thousand provided for the construction of buildings in connection with the partition of the district of Midnapur be omitted.

He said :—

"My Lord, I am aware that the details of the partition scheme were settled after full discussion ; but I believe that these schemes were settled before the Bengal Government, with the approval of the Government of India, decided upon the experiment of appointing non-official chairmen of District Boards and also before the announcement of the progressive realization of responsible government was made by the Secretary of State for India in Council in August last year. These are two very important aspects regarding the future administration of the various districts in this Province.

As regards the administration of District Boards by non-official chairmen there are two important points which bear upon the administration of a district. In the first place, a good deal of the magistrate-chairman's time used to be taken up by the administration of the affairs of District Boards.

In the second place, if the official-chairman has to discharge his duties without the assistance of a whole-time official he will find himself in a position of great difficulty if his charge be a very heavy one. such as the district of Midnapur with an area of 5,114 square miles, a population of 20,82,000 and an income of six lakhs of rupees. Under the proposals which found acceptance with the Government this district is to be divided into two portions—one with an area of 2,688 square miles and a population of a little over one million and the other with an area of 2,467 square miles and a population of one million seventy thousand and odd. If a non-official chairman has to discharge his duties satisfactorily, an area and a population like the above will be too much for him, unless, he has some permanent official to assist him. If the Government proceeds with the buildings at Kharagpur, the proposed headquarters of one of the two districts and if it is afterwards found that the districts should be divided into three, and if the non-official chairman has no official assistance, the result will be that the money. will be thrown away. We have examples of such waste—if I may make use of that expression—about the buildings of the new capital of Dacca.

I desire to make it clear that I am not opposed to the partition of districts if necessities of the situation require such partition. But I am opposed to spending money in bricks and mortar where there is a very reasonable chance of such money being thrown away.

Then, my Lord, the reforms as well as the experiment of appointing non-official chairmen may affect the district administration in other ways. It may be that when the District Magistrate is relieved of his important duties with regard to the administration of the District Board and when some other department is created as a sequence of the reforms, divisions of the districts on other lines may become necessary. For these reasons I ask that this work be kept in abeyance for the present. I may mention incidentally that there are two partition schemes—one regarding Mymensingh and the other regarding Midnapur. In the case of the former, arrangements have been made for the acquisition of land. I do not object to this as you will have land instead of money ; but I am opposed to spending on bricks and mortar because there is a chance of the money being thrown away. I therefore, suggest to the Council that the amount may be kept in abeyance for the present."

Resolutions.

Mr. Kerr.

The Hon'ble MR. KERR said :—

"My Lord, before I deal with the points raised by my Hon'ble friend, Mr. Mitter, I should like to make a few general observations on the course of this debate regarding these partition schemes. The Council will remember that last year, as on the present occasion, we had a large number of resolutions proposing that the money allotted for the partition of these two districts, Mymensingh and Midnapur, should be diverted to other purposes, useful and laudable purposes no doubt in most cases, but purposes entirely outside the schemes for which provision has been made in the budget, with the sanction of the Government of India and the approval of the Finance Committee of this Council. This year we have exactly the same position, and apparently some of the Members of this Council contemplate that we should have a full dress debate or a whole series of full dress debates annually on the whole question of the policy of partitioning these heavy districts. Now, these partition schemes will cost a great deal of money, and they cannot be carried out in a single year. Provision will have to be made in the budget for several years to come, and I suggest to the Council that it is rather a waste of time to have a full dress debate annually on the propriety of providing funds for these schemes. It is also a very unbusinesslike proceeding from other points of view. The Council decided by a large majority last year that provision for these schemes should stand, and that Government should go ahead with the schemes. Well, we have gone ahead with the schemes. In Midnapur, we have begun burning bricks, we have completed the lay-out of the new station at Hijli, and we are ready to start putting up buildings next financial year; in Mymensingh, we have had a small army of officers of all departments, sanitary officers, public works officers and so on, examining sites, taking levels, and carrying out all those preliminary arrangements which have to be gone through before building operations can begin in a swampy district like Mymensingh. Just think what it would mean, now that we have embarked on this programme, if the officers of Government who have to carry out these schemes never knew from year to year whether funds would be provided for the proposal. If Government refused them funds after the schemes had made a start, they would have to discharge their contractors, paying them compensation no doubt, disband their staff, relinquish their brickfields and let valuable materials lie rotting in the open. This way of doing business is clearly impossible, and I submit that as a business like body this Council ought to let these schemes proceed and not interfere with the modest sums which have been put in the budget for the coming year.

"In these circumstances, it is not necessary for me to repeat what was said last year in justification of these schemes. I only want to say one thing and it is relevant to what the Hon'ble Mr. Mitter has said, that the main object of these schemes is not to relieve over-worked officials or to make them more comfortable. The main object is to increase the welfare and comfort of the inhabitants of the districts concerned. Reforms are in the air. We hope, in a few weeks, to introduce a Bill which contains our proposals for a comprehensive scheme of local self-government, under which the people in the villages will be able to manage their own affairs and make such improvements, as they may desire, in the matter of sanitation, primary education and so forth. It is quite clear that no schemes of this kind can be worked in overgrown districts like Midnapur and Mymensingh. The District Officer, under existing conditions, can barely carry out his current work. He has no time to initiate any new departures and he has no leisure to get into touch with the leaders of the rural population who ultimately will be responsible for carrying out these reforms in local self-government from which this Council rightly hopes a great deal.

Resolutions.

Mr. Kerr.

"Then, the Hon'ble Member has mentioned the case of non-official chairmen of district boards. I think he probably realizes that it is quite impossible for a non-official chairman, however capable and self-sacrificing, to take charge of a district like Midnapur or Mymensingh, even if he was willing to give up the whole of his time to the service of the Board.

"The Hon'ble Mr. Mitter has said, as he said last year, that he is no enemy to partition schemes as such. I only wish I could count on him as a real warm-hearted friend. At the present time, it seems to me that he is highly neutral rather than really friendly. Last year, his reason for moving the postponement was that the estimates were not ready and that the future financial position was uncertain. He now suggests that the Midnapur scheme should be indefinitely postponed, in view of the fact that the coming constitutional changes may necessitate the reconsideration of the policy of partition of districts. Now, there are two ways in which the changes may be taken to affect the size of districts; one is that by a re-distribution of work, and making over a large amount of work to non-official agencies, it may be possible for the District Officers to run big districts like Mymensingh and Midnapur. I may say at once that there is not the slightest doubt that, whatever form the changes may take, the work of the District Officers, as such, is bound to be increased. I cannot prophecy anything about the political changes which may come in this Council and in the higher branches of the administration, but whatever may happen, we shall certainly have a great development of activity in the matter of rural self-government, and that is bound to throw an enormous amount of work on the District Officer. Moreover, unless the District Officer is in a position to attend to that sort of work, we cannot hope for success within the next generation at any rate. I think, therefore, that the Council may at once dismiss from its consideration any idea that it will be possible to maintain these large districts in their present form when the constitutional reforms come into force.

"The other alternative, which is mentioned by the Hon'ble Mover, is that it may be found necessary, in view of these reforms, to subdivide districts into smaller units than are proposed in the scheme which is now before the Council. All I have to say about this, is that the scheme for the partition of Midnapur involves the creation of two districts of about 2,500 square miles each, one with a population of over a million, and the other with a population of over a million and a half. If the constitutional reforms necessitate our dividing districts into smaller units than this, then the expenditure will be enormous. There are 16 districts with an area of over 2,500 square miles and 13 districts with a population of over a million and a half. Districts not exceeding 2,500 square miles in area and with a population not exceeding 1½ millions may be regarded as fairly manageable districts under the present system of administration. If we are to create another 20 or 30 districts in the Presidency as it stands, I am afraid the realization of the reforms will be indefinitely delayed. This, my Lord, is surely not a consummation which is desired by most Hon'ble Members of this Council.

"Coming down to the practical effects of the proposals in regard to Midnapur, the non-recurring expenditure of six lakhs, which is referred to in the resolution, will be incurred in erecting buildings in two places. There is first the new district headquarters at Hijli near Kharagpur and, secondly the new subdivisional headquarters at Jhargram. It happens that I am well acquainted with the local conditions of Midnapur, as it was my good fortune to serve there as District Officer. I can, therefore, tell the Council something about these places. Kharagpur is undoubtedly at the present day the most important place in the district and its importance is likely to increase. It is, as Hon'ble Members may be aware, the junction of the railway lines from Calcutta to Madras and from Calcutta to Bombay, and there is also a line

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Mr. Provash Chunder Mitter.

running up to the coal fields. It is also an important pilgrim centre and emigration centre, and its position as a railway junction must make it an increasingly important trade centre. So far as we can judge, it is a place which will always be suitable for a district headquarters, whatever further developments in the way of new divisions of the district may become necessary. Even if in the dim future it should be found necessary to divide the southern Midnapur district further, perhaps by the creation of a district with its headquarters at Contai along the Bay of Bengal, it may be regarded as certain that Kharagpur will always be a suitable place for the headquarters of the district containing the thickly populated areas of Tamluk, Panchkura and Sabang.

"The case of Jhargram is rather different. It is in the centre of the aboriginal area. A subdivision is urgently required for this area, and is indeed a necessary corollary of the recent legislation which has been passed in this Council, restricting the alienation of land by Santhals. That legislation will, as the Council have realized, throw a great deal of work on the executive officers of Government, and it would be quite impossible for that work to be dealt with so long as the subdivisional headquarters of the aboriginal area is at Midnapur, 30 or 40 miles away, and so long as the Sadar subdivision of Midnapur is an unwieldy area of over 2,000 square miles. For the proper working of the new Act, the presence of responsible executive officers of Government on the spot in the aboriginal area is absolutely essential; and the Council may be assured that once a subdivision has been created there, there will be no necessity for its removal for generations to come. As a Scotsman myself, I sympathize with the caution displayed by my Hon'ble friend, Mr. Mitter, but I think he is showing himself unduly cautious. I can assure the Hon'ble Member and the Council that there are no grounds for apprehending that we shall be prejudicing the constitutional reforms or laying up trouble for our successors if we go ahead with the scheme as it stands. There is no reason for hesitating to carry out this scheme which is the result of more than ten year's investigation and consideration. I trust, therefore, that the Council will endorse the decision which was passed last year and allow this provision to stand, so that we can get on with the schemes."

The Hon'ble MR. PROVASH CHUNDER MITTER said :—

"My Lord, my friend the Hon'ble Mr. Kerr, has pointed out that there was a discussion last year on this question and in view of the criticisms of Government, it was hardly necessary to raise this discussion this year. But I submit that the two points I have raised are points which have arisen since the discussion took place last year. That being so, the first few observations of my Hon'ble friend have hardly any bearing on the points I have raised. I have not, for example, suggested that the money saved by keeping this scheme in abeyance, be spent on sanitation or other matters as some of my friends have said. I have not, for example, suggested that the object of these schemes is to make the District Officer more comfortable; I did not say this either this year or last year. I may remind my friend that my object is just the object he has, namely, to make the administration more efficient? The whole question of the location of the principal towns in the districts may have to be revised. I leave put forward my point of view before the Council as I feel it my duty to do so. I do not want to press this resolution to a division, and I leave the matter at the hand of the Government so that it may not be said afterwards that this money was thrown away and that the point was not raised."

The resolution was then, by leave of the President, withdrawn.

Resolutions.

Maulvi Abul Kasem ; The President ; Dr. Deba Prasad Sarbadhikari.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XX.

The Hon'ble MAULVI ABUL KASEM moved the following Resolution :—

This Council recommends to the Governor in Council that the amount allotted for the construction of buildings in connection with the partition of Midnapur and for acquisition of lands in Mymensingh be not spent during the next year.

He said :—

"My Lord, after the discussion that has taken place on the last resolution I do not think it will serve any useful purpose by moving this resolution. I think Your Excellency is convinced that the consensus of opinion, so far as the non-official members are concerned, is that they think that expenditure on the partition of Midnapur and Mymensingh could be delayed for a year or so and that the money be spent on other matters, but as we have had a full discussion on this matter I beg leave to withdraw the resolution".

The resolution was then, by leave of the President, withdrawn.

The PRESIDENT said :—

"I have received a request from the Hon'ble Maulvi Fazl-ul-Huq for the postponement of resolutions Nos. XXV and XXVI to a later period in the day on the ground that he is detained by professional duty in the High Court. I am anxious to go, as far as I can, in meeting the convenience of the Hon'ble Members, and I am willing to accede to his request on this occasion, but I would ask the Council not to regard this a precedent which is to be followed in future. Alterations made in the order paper of business, cause considerable inconvenience to other Hon'ble Members ; and I think it is undesirable that such alterations should be made unless very good reason for so doing can be shown. In this connection, I draw a distinction between a request for postponement by a Hon'ble Member on the ground that he is detained by an engagement of a public or semi-official character and that of an Hon'ble Member who asks for postponement on the grounds that he is detained by an engagement of a professional or private character. There is to my mind a clear distinction between the two cases ; in the case of Mr. Provash Chandra Mitter he was unable to be present at the meeting of Council because he was detained by an engagement of a public or, we may say, of a semi-official character. I hope, therefore, as I have said before, that though I am going to accede to the request of the Hon'ble Maulvi on this occasion, Hon'ble Members will not perhaps regard this as a precedent for the future. Under these circumstances, the next item (No. XXVII) will be moved by the Hon'ble the Vice-Chancellor."

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXVII.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI moved the following Resolution—

This Council recommends to the Governor in Council that—

(a) a provision may be made in the Budget for Rs. 2,00,000 to be divided between Calcutta and the mufassal in such proportion as the Government may think fit for giving building grants to unaided high schools ; and

(b) the said sum be taken out of the grant of Rs. [illegible]75,000 for works in progress and new works in connection with the reorganisation of the subordinate police in Eastern Bengal.

Resolutions.

Dr. Deba Prasad Sarbadhikari.

He said :—

"My Lord. I listened to the reply of the Hon'ble the Director of Public Instruction in connection with the resolution of the Hon'ble Maulvi Abul Kasem higher up in the list. But the ground covered by this resolution is somewhat different from that of the Hon'ble Maulvi. My suggestion is not to devote the whole of this grant for the purpose of financing any one scheme of building, but to give such assistance to deserving private schools as may possibly help them to complete any scheme that they may have in view. I indicated some features of that scheme last year and have also done so this year elsewhere and I crave leave to bring it before this Council in order to enable it to judge whether help of the kind that I ask for ought not to be granted. My Lord, it is well known that most of our schools are very badly housed. I do not think any one can claim exemption from the blame in this respect. We needed and need no elaborate results to arrive at that result. The question is entirely one of resources. I recognize that Government have their own burden with regard to their own institutions. I also recognize that they are doing their best to cope with the responsibility. But there is a large number of other schools with regard to which such help ought not to be altogether withheld. The second class of schools, namely, aided schools gets Government help under certain conditions. But a large number of private unaided schools are very badly housed and under no circumstances can they cope with the housing problem unless some help of the kind that I am asking for on their behalf is forthcoming. I recognize, my Lord, that it is not possible for Government or any public body to finance them to the fullest extent or anywhere near it. It is only small sums that can be granted to them and that is what I ask for. My scheme would be shortly somewhat as follows :—

Where a school is doing fairly good work, is able to show some funds to its credit and is able to induce some building syndicate or company to build a school-house for it, according to approved plans—there I would invite help of the kind that I am suggesting. If a school is able to show that help would be necessary for building a school-house and if it is able to induce some one to take up the building work and invest thirty-five thousand rupees, I would invite Government to grant it ten, fifteen or twenty thousand rupees, as the case may be, so that the syndicate in question may have what we call in legal parlance a margin of security to start with and with this margin and the first charge on the property to be built the building firm or syndicate will be expected to make the necessary advances, and to build the house. Seemingly complicated as the scheme may appear, it is really simplicity itself when applied. It is not every school that can do it but some would be prepared to do it—certainly in Calcutta, if not in the muffassil. That is why I have not indicated what the proportion of the grant will be in muffassil. The firm which takes up the building work could be paid a settled amount every month to cover interest at a rate agreed upon, to cover the municipal taxes, repairing charges and cost of upkeep; and there should be a sinking fund out of which the balance of debt due to the builder may be paid in a number of years that may range from twenty to twenty-five years. More than the present scale of rent would be necessary in order to cover the various charges I have indicated, and a slight increase in the school fee may also be necessary to meet the extra cost. This increase will have to be insisted on in all the schools within the area, otherwise there will be unhealthy competition and educational efficiency will suffer. A scheme like this would provide in time suitable houses for all the schools at a reasonable cost, towards which the present generation as well as the future, the Government and the public will alike have contributed.

These are general outlines which I venture to place for the consideration of this Council and of the Department. I have been anxiously thinking long about this housing scheme and I could not think of a better scheme than

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Mr. Wordsworth.

this. We are always complaining of bad houses regarding various schools. There are schools which cannot be helped in any way but in this; there are good schools which are very badly housed and it is particularly so in Calcutta. And my object is to help these schools.

Reference has been made about the difficulty of building in war time. I am not aware that even after the war we shall be in a better position. It will make very little difference whether we build now or four or five years hence. The remedy is the help that I have suggested in my resolution. A good beginning may be made even with a lakh of rupees. If my scheme is accepted the details can be worked out later on. I have discussed my scheme with many gentlemen and they have agreed with me. At least no better scheme has yet been suggested, and I would therefore commend this resolution for the acceptance of the Council."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, the Hon'ble the Vice-Chancellor is well aware of the efforts that the officers of the Education Department are making and have made for years to bring about improvements in this respect, and Hon'ble Members will be aware that the Inspectors of the Education Department have been strongly attacked here and elsewhere for these efforts. If, therefore, on behalf of Government I oppose the resolution brought forward by the Hon'ble the Vice-Chancellor, he and the Council will clearly understand that I do so not through any want of sympathy with the object which the Hon'ble the Vice-Chancellor has at heart. I have already this morning indicated the policy of Government in the matter of assisting schools to obtain sites, buildings and hostels, and it is unnecessary for me to repeat what I have said. We have our policy definitely laid down in our grant-in-aid rules. These are not merely regulations for convenience in spending money but denote the definite policy of Government in the matter of assisting schools to remedy defects by grants-in-aid. They do not preclude a school from receiving a building grant because it is technically an unaided school, or in other words because it does not receive a recurring maintenance grant. Any school may apply for and obtain a building grant if it is prepared to accept the obligations which such a grant must impose under our grant-in-aid rules. What the Hon'ble the Vice-Chancellor now asks us to do is to depart from our policy in the interest of certain schools in Calcutta, where practically all schools are unaided. We have a policy which is clear and definite by which we work, and from which we are now asked to depart in favour of a scheme which is but faintly outlined and at present does not appear to offer any prospect of success. I should be diffident about saying this if I were to trust entirely to my interpretation of the remarks with which the Hon'ble the Vice-Chancellor has supported his resolution but I find that the matter was discussed in this Council a year ago and that it has also formed the subject of correspondence between the Hon'ble the Vice-Chancellor and the Director of Public Instruction. The proposals have been communicated to the Education Department by the Hon'ble the Vice-Chancellor. They have been examined, both within the Director's office and outside; they have received careful attention, and I find that the decision of the Hon'ble Mr. Hornell is, that the scheme is unworkable, and that this decision has been reported to Government. I need not go into elaborate details but I would inform the Council that to build any satisfactory school in Calcutta on a new site is estimated to cost on a rough calculation at least 1½ lakhs. If Government gave towards this that part of the cost which at present its grant-in-aid rules permit, there would still remain two-thirds of the capital cost to be met by the school, apparently in the form of a mortgage. This mortgage will be given to a building society. A building society, I understand, is not likely to take up the work in a purely disinterested way and the scheme will have to be put on a firm financial basis. To meet this the school would pay rent

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Dr. Deba Prasad Sarbadhikari.

covering the cost of repairs, taxes and other expenses. I find a suggestion in our correspondence that this rent should be fixed at ten per cent. To pay this, the school will have to make a large working profit every year. Now, my Lord, it is our contention that no school can make this profit if it is properly worked, and that no school ought to be in a position to make this profit. If a school is prepared, as suggested by the Hon'ble the Vice-Chancellor, to raise its fees with a view to some such scheme, it is difficult to see why it is not prepared to raise its fees to create a nucleus which in a few years would enable it to come forward to Government and ask for a grant under our grant-in-aid rules. I repeat the scheme has been examined in the Director's office and as a result of that examination I am not able to recommend to the Council to accept the resolution.

Unaided schools, that is, schools which do not receive regular monthly grants, may be unaided for various reasons, perhaps because inefficiency stands in the way, perhaps because funds are not available; perhaps because they are not anxious to come under the Education Department, preferring their own way to the obligation of working according to the standards laid down by Government. For these last, I respectfully submit, we should not incur any obligation. If they wish us to incur obligation, they should on their part be prepared to accept what corresponds to that obligation; if a school is not prepared to ask for a grant on the terms on which Government is prepared to give one, I do not see why Government should contemplate departing from these terms in its interest. As I have said, we are prepared to give unaided schools building grants if they are prepared to accept the obligations that we consider desirable in the interests of educational efficiency. We have during the last five years given unaided schools building grants to the total of Rs. 1,04,000, while a grant of Rs. 15,000 remains to be paid as soon as a particular school has completed its building. When an unaided school comes up with a reasoned scheme and is prepared to accept the obligation we shall give it full consideration. But for the reasons, already indicated, I am unable to accept this resolution. I would also mention a further special reason, that a survey of the schools and of the educational conditions of Calcutta is at present being completed by a capable officer of the department. It is expected that his report will soon be submitted, and from what he has already told me of his enquiry, it is probable that improvements will demand much bolder measures than those the Hon'ble the Vice-Chancellor has recommended to the Council this morning."

The Hon'ble Dr. Deba Prasad Sarbadhikari said :—

"My Lord, a reference has been made to the attacks on Mr. Wordsworth's Inspectors here and elsewhere. If I were he I should not mind them, but go on doing my work. Whenever there has been occasion here or elsewhere, I have borne willing testimony to the excellent work that the Inspectors do and the assistance that we receive from them, but for which our work in the University would have been well nigh impossible. So far as he and I are concerned, that question does not arise.

"With regard to the grant-in-aid for buildings and their conditions, I do not suggest that they should be relaxed, except in so far as the buildings society may have to be given priority of charge for the purpose of finding a large balance that has been provided for. This is a matter capable of easy adjustment. Then in Calcutta for the very modest school-houses, for which Rs. 1,50,000 is estimated, that can easily be cut down. We have our experiences of these things. If matters are closely scrutinized I know we ought to be able to build cheaper than Mr. Wordsworth's advisers are prepared to do.

"Then again no interest will have to be paid on what the school committees will be asked to bring and the Government will be prepared to

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Dr. Deba Prasad Sarbadhikari.

grant. That will make the interest charge less than it would otherwise be. And if between the school contribution and the Government contribution, we can contribute one-third or one-fourth of the requisite sum it will be the balance upon which the interest in favour of the building society will run. Therefore that need not present insuperable difficulties in the way. It is not a question of profit the schools will be making with regard to any portion of the working expense and it goes without saying that they will have to pay better for having better school-houses. Of course if the building survey to which reference has been made is proceeded with and a larger measure of help results after that survey, then my object will have been more than obtained. But we cannot conceal from ourselves the fact that each day lost in bettering our schools is a day lost in improving education in general. Two eminent civilians and an Inspector of Schools have been told off to find out the obvious. And when they find it and report on it we shall be no better off if we are not prepared to find means for improvement. These survey would be worse than useless if the result is mere stifling of useful but badly housed and badly managed institutions. Of course larger problems are now confronting us and engaging the careful attention of the experts. But better housing must take the first place in the items of school improvement schemes. Rupees 1,75,000, to my mind, will be inadequate for the purpose and that is why I have suggested that more may be provided so that in regard to schemes which may commend themselves to the authorities they may be at once taken up. Having regard to the survey to which Mr. Wordsworth has referred and awaiting its result I do not wish to press the resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS ITEM—No. XXVIII.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 50,000 be provided in the Budget for preparation of text-books in English and vernaculars for use in Classes I to VIII in High Schools, including text-books on sanitation and hygiene :

(b) the said sum be taken out of the provision of Rs. 96,58,000 under head Police, District Executive Force.

He said :—

"[illegible] Lord, the reason why I thought of wording the resolution 'for pr[illegible]n of text-books in English and vernaculars' is that the books in v[illegible] may be used in the lower classes and that the English books may [illegible]ome of the higher classes. That is in accordance with the scheme that I [illegible]d like to put forward for more efficient teaching in our schools. As Yo[illegible]cellency observed, elsewhere the other day the teaching of English in our [illegible]ols is weak. Till we can secure a better class of teachers and can [illegible]k of methods that will be more effective, the scheme that I should like to p[illegible]orward might have a trial. The scheme is shortly this. If we divide the [illegible]chool course roughly into three periods of three years each the first three years of teaching would be principally in vernacular and the readers that I should like to prescribe during these years would cover a large range, readers that will be literature first and text-books afterwards, readers that would deal with short and simple truths of science and history and without unduly loading the young mind give him a range of knowledge which will be useful to him in after-life and might not have to be studied as examination subjects. In order to do that we would want a very carefully prepared series of text-books. While doing that he may be taken over the elements of the English language through the medium of a vernacular under a system

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similar to that which was in vogue many years ago and with excellent results. In the second stage of three years we would like to have some readers in simple English covering the ground covered by the Vernacular readers and framed in a way that even the terminology in the vernaculars can be identified easily. Thus the subjects can be taught again through the medium of English and during the same period of three years a more difficult series of vernacular readers would be given covering grounds that the boy would have to take during the last three years of his study. In that way there will be simultaneous teaching through the medium of English and Vernacular and this would go on right through the nine years of school-course. We had a system like this many years ago when I claim that English was better taught than now. Proofs of that system are visible even to-day. I do not suggest that private enterprise should at all be interfered with, but when once the pace has been set there is no doubt requisite books would be forthcoming. If this principle commends itself to Government, we might make a small beginning with regard to subjects about which there can be no doubt, namely, books of the kind that I suggest here—books on sanitation and hygiene and subjects which has not been attempted yet. Rs. 50,000 will not be at all too much for an object like this and it would serve a secondary purpose as well—it would provide readers on subjects that could not otherwise be secured. I hope the Council would be unanimous over the question of hygiene readers although I remember there was a dissentient voice when Mr. Irwin's proposal was before the Council. If hygiene and sanitation are to be taught in schools they cannot be more effectively taught than in the way I suggest. Those who remember Babu Radhika Prassanna Mukherjee's book on hygiene which was a text-book thirty or forty years ago, remember how simple truths were conveyed. Since then we have had excellent books by Dr. Chunilal Bose and others. But my object will not be accomplished by the books that we are speaking of, namely, that the same subject should be taught through the medium of Vernacular and English at different school stages. To consider this question at close quarters I ask for a small subsidy to be used for organising the work. There is a text-book committee and the departmental machinery, too, is there and a subsidy will hasten the work I have in view. With these words I move the resolution which I have read out already."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, the speech of the Hon'ble Member raises two questions—(1) the question of the organisation of our work in schools and (2) the policy of the Education Department in the matter of text-books. I think the former can scarcely be considered with advantage here and I would ask the Hon'ble Member to be content with my assurance that what he has said to-day will receive our careful attention in the Education Department.

"In the matter of text-books the policy of the Department has been and is to discourage monopoly. It is true that at times special reasons have persuaded us to embark upon the preparation of certain model text-books. This, for instance, was the policy followed when we reorganised our vernacular education about 10 years ago and when it was felt that there were no books available for giving effect to our new curricula. So the Department made arrangements for the production of model text-books. These books were intended to be and do what the name signifies, *i.e.*, to stimulate the production of books that could be considered satisfactory under the new scheme. Government at that time was prepared to consider and prescribe for use any other satisfactory books that were brought forward and every opportunity was given to would-be authors and publishers to examine the books so that they might have guidance before they themselves embarked upon the work of publication. Nor does there appear at present any necessity for a change of policy. The supply of text-books written by private authors is not at all small and much of it is satisfactory; with the result that there is at present

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in subjects other than English, Indian History and Geography a wide range of satisfactory text-books from which a choice may be made for use in schools, and in these three subjects matters are steadily improving. It is a part of the same policy that educational officers of Government who may have written text-books that have been accepted for use in schools are forbidden to retain any interest in these books. Educational officers are discouraged from embarking on this kind of work and the exclusive prescription of selected books is being abandoned. We issue large supplementary lists out of which selections may be made. These lists give some indication of the books that we consider best for specific purposes, but we allow a school a free choice in the matter of selection.

"In the matter of books on hygiene and sanitation, I may state that a small committee of experts is now examining the existing books on these subjects and if it is the finding of the committee that no book is satisfactory, the preparation departmentally of a satisfactory text-book will be taken in hand."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"My Lord, I am glad to find that what I had in mind has to a certain extent been anticipated by the Director of Public Instruction in the matter of books on hygiene. But I am afraid that the object of my resolution will not be attained thereby. I have admitted and I admit again that there are excellent books on those subjects which from certain points of view are quite acceptable, but that is not the point of view which I am trying to impress upon the Council. I have in mind vernacular and good English books with their counterpart in vernaculars and English as a means of teaching the languages as well and for that purpose specially prepared reader—in duplicate as it were—would be necessary. The men who have made their mark in these lines—the very authors I have named, may well be deputed. If the Director also takes up that point of view I do not think that any useful purpose would be served by pressing this resolution so far as text-books on hygiene is concerned. I am quite at one with the Director that nothing would be more prejudicial to the best educational and literary interest than to allow any kind of monopoly. At the same time Director has stated that model text-books of certain standard have to be published from time to time and the time would come when education in schools will have to be placed upon a basis like this if there is to be a real teaching of English. If the text-books as written in English and Bengali uses the same terminology a great deal will have been achieved and on those lines books on other subjects can be treated. I would not press this resolution having regard to what the Hon'ble Mr. Wordsworth has told us, but I would only suggest that in dealing with the matter the point of view that I have suggested may be borne in mind."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXIX.

The Hon'ble MR. PROVASH CHUNDER MITTER moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a provision for Rs. 5,000 be made for instructing teachers and Inspectors in sanitary knowledge with a view to the spread in future of sanitary knowledge in educational institutions and in populous localities by means of public lectures; and

(b) this sum be met by reducing the provision for Rs. 17,280 for the appointment of Shorthand Writers in the High Court under head "19A—Law and Justice—Courts of Law."

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He said :—

"My Lord, I have had a conversation with the Hon'ble Mr. Wordsworth and I am glad to say that, so far as the purpose of my resolution goes, it meets with the approval of Government. Government may not be prepared to provide the fund from the head I have suggested, but that is a matter for Government to consider. I formally place this resolution before the Council without a speech."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, I welcome this opportunity of informing the Council that we have lost no time in endeavouring to give effect to the resolution which the Council accepted a little time ago. The outlines of the scheme have already been drawn up in consultation with the Sanitary Department and under the scheme we shall be enabled to introduce at once the teaching of sanitation and hygiene in our guru-training schools by the agency of health officers and sanitary inspectors of municipalities, and in some cases of district boards. We hope to be able to make arrangements also for the lecturer on sanitation for the training of health officers to give instruction in our training colleges and perhaps normal schools, which I may describe as our intermediate training schools, as soon as that officer is appointed. I hope also that we shall be able to make early arrangements for the introduction of this subject in one or more of the girls' school in this province. This is an earnest of what we intend to do; we have done our best and the work will shortly commence.

It is not necessary to consider the second part of the resolution because the Hon'ble Member will remember that the Hon'ble Sir S. P. Sinha, in discussing the Hon'ble Mr. Irwin's resolution, informed the Council that there had been in recent years three peripatetic lecturers teaching sanitation in high schools. The provision of Rs. 5,000 that was made for expenditure on that head has been retained in our budget, and will be available for the purpose contemplated by the Hon'ble Member. I think, therefore, that it will be unnecessary for him to press the resolution to a vote."

The Hon'ble MR. PROVASH CHUNDER MITTER said :—

"I beg to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXX.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 20,000 be added to the amount of the grant to the University for Calcutta Messes; and

(b) the said sum be taken out of the provision of Rs. 96,58,000 under head Police, District Executive Force.

He said :—

"My Lord, in moving this resolution, I desire to bring certain facts before the Council. The total number of students reading in all the Calcutta Colleges, Arts, Law and Medical, is a little over 15,000, excluding the female students. At the lowest estimate, at least half the number comes from mufassil and so the University and the college authorities have to provide accommodation for 7,500 students. Of this number, 900 have been accommodated in Government and private college hostels (Eden Hindu, Scottish Churches College, University Law College, C. M. S. College and St. Xavier's College Hostels) and 400 in non-collegiate hostels (Elliot Madrasah, Baker Madrasah, Y. M. C. A. Baptist Mission, Oxford Mission and Taylor Hostels). If we deduct 900+400=1,300 from 7,500, the remaining 6,200 students have still to be provided for in hostels and attached messes. The new hostels that have been constructed for the private colleges and the Carmichael Hostel will accommodate

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about 950 students from next session, so the remaining 5,250 (6,200—950) students are to be accommodated in houses hired by the University called attached messes or in unattached messes—houses which the students themselves engage. During the current session, provision for about 1,900 students has been made in attached messes. Then again 3,350 (5,250—1,900) students have still to be provided with accommodation in hostels or attached messes. The total number of students that has been housed in unattached messes this year, is about 1,300. If we deduct 1,300 from 3,350 then we see that the remaining 2,050 students are living in private messes or with guardians unknown to the University. Mr. R. N. Gilchrist and Mr. J. R. Banerji, who were appointed to enquire into the working of the Calcutta Mess Scheme in 1914, remarked in their report :—" It is most adviseable to discontinue unattached mess system altogether. The attached messes are in every way more desirable just as hostels are more desirable than messes. But in the absence of funds for building hostels, it is advisable that the students should live under as healthy condition as possible and the unattached mess system is by no means a healthy system. We accordingly strongly recommend that the Students' Residence Committee should receive a grant sufficiently large to enable them to house all the students who are not living with their parents or with guardians (guaranteed as really such), or in hostels (or in recognised non-collegiate hostels) or in attached messes." The total number of students living in unattached messes or in private boarding houses or with guardians is 3,350. If all of them have to be drafted into attached messes then the fixed annual Government grant will have to be increased to Rs. 30,000 per annum. Considering all these points Mr. Gilchrist and Mr. Banerjee suggested some more elastic method for the development of the scheme. They said : 'It is obvious that with the rapid increase of the number of students some more elastic method of working must be found. At present Government grants a certain fixed amount, based on a general estimate made some years ago. Since the grant was first sanctioned great increases have taken place in the numbers of students and no corresponding change has been made in the grant. An inelastic grant of this kind enables the Students' Residence Committee of the University to house satisfactorily only a small proportion of the students requiring accommodation.' They suggested that 30 per cent. of the total amount of house-rent paid by the University to the owners of the attached messes should be borne by the Government and the remaining 70 per cent. should be met from the seat rent to be charged from boarders.

The Government has recognized its duty in the matter of housing and that is why it pays ten thousand rupees. But a committee of experts consisting of men like Messrs. Gilchrist and J. R. Banerjee do not think the sum adequate. This is quite borne out by our experience also. The University cannot do very much in the matter without further assistance and therefore I recommend that the grant asked for may be provided."

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The HON'BLE MR. O'MALLEY said :—

"My lord, I should like to explain in the first place what help Government at present gives to the University in working what is called the Calcutta mess scheme. The system is that the University hires houses for students of private colleges, who cannot obtain accommodation elsewhere. Last year, I think, it hired 29 houses, which had accommodation for 1,096 students. For the supervision of these messes there is an officer, called the Inspector of Messes. Government pays the whole of his pay, his conveyance allowance, his establishment and contingent allowance, which amount, altogether to about Rs. 4,000 a year. There is a risk of the University suffering loss owing to seats in the messes not being occupied and to students not

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paying their rents. To protect the University against any loss Government is ready in any year to make good any deficit caused by receipts being below expenditure up to a limit of Rs. 9,000. Adding the Rs. 4,000 on account of the Mess Inspector, Government is ready to incur expenditure up to Rs. 13,000 in any one year in helping the University in managing their mess scheme.

Government is not strictly responsible for the housing of the students of private colleges or bound to come to the help of the University in providing for their accommodation. Under the Universities Act and Regulations the responsibility for the provision of proper accommodation and for the supervision and physical welfare of the students devolves on the University and the colleges affiliated to it. Government has, however, not been backward in helping the University. Recently a special grant of ten lakhs have been given by the Government of India to the University for building hostels attached to private colleges. Besides this, private institutions have been given grants of about seven lakhs out of special grants made in 1911-12 and 1912-13. Altogether, therefore, Government has given 17 lakhs in the last eight years for hostels attached to private colleges.* The mess scheme, which I have already mentioned, was also started by Government in 1905 with the object of improving the conditions of students' residence in Calcutta. Two years later, the working of the mess scheme was handed over to the University with its own consent, Government agreeing to give a grant up to a maximum of Rs. 9,000 to cover any deficit on condition that the University did its best to recover the rents in full from the students, and so render the scheme self-supporting. There have, however, been deficits and Government has given considerable sums, over and above Rs. 9,000, to enable the University to clear off those deficits.

Of late matters have greatly improved. The University increased the seat rents, and the result was that in 1916-17, the deficit was only Rs. 6,112 or Rs. 2,887 less than the grant of Rs. 9,000 up to which Government is ready to finance the scheme. Surely, my Lord, if the University can work the scheme with the assistance of a grant of about Rs. 6,000, it is not necessary for its working to allot another Rs. 20,000, as proposed in this resolution, so as to make its total contribution Rs. 29,000 besides Rs. 4,000 for the Mess Inspector.

I gather from the Hon'ble Vice-Chancellor that what he is anxious to do is to get the help of Government in providing for an increasing number of students who come to Calcutta. I think I have shown sufficiently that Government has been generous in providing for the residence of college students in Calcutta. Government is already incurring an annual expenditure on Arts Colleges of about 18 lakhs and a further sum of ten lakhs on account of professional colleges ; and Rs. 6¼ lakhs have to be found from provincial revenues. Government, as I have said before, is not really responsible for students' residence in Calcutta and it cannot very well accept an unlimited liability for providing Calcutta students with their lodging in addition to education within college walls. I regret, therefore, my Lord, that I cannot recommend the Council to accept this resolution.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"My Lord, it is rather late in the day to say that Government has no responsibility with regard to the students' messing scheme. It has accepted that responsibility and has given effect to a policy which is laudable and which is necessary in the interest of education. As the Hon'ble Mr. O'Malley has said the scheme was that of the Government and it was in order to relieve the Government of responsibility over the matter that that the University consented to take it over. My Lord, the regulations framed under the Universities Act laid down a policy which, as is well known, could not be carried out with the resources either of the University or the colleges and that is why in regard to this matter and other matters the Government of

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India and Your Excellency's Government determined to come to the assistance of the University. And if you go on constantly reminding us of the past favours, the moment something extra is necessary the position becomes difficult. Increasing number and the altered circumstances of the situation are entailing more expenditure that must be met somehow. The report of the Committee which was appointed consisting of Messrs. Gilchrist and J. R. Banerjee says that the scheme cannot be properly given effect to for less than Rs. 30,000. It is not only my duty as the Vice-Chancellor—the Vice-Chancellor has no place here—but as the representative of the University on Your Excellency's Council to bring this matter before the Council and if the Government says that it has no responsibility in the matter the University knowing that it can expect no further assistance must shape its course accordingly. Of course the safe course for the University some suggest will be to say to the students, about 3,500 in number, that they will have to go out of the colleges as residence under the rules cannot be provided for them. Is that the state of things that we are going to tolerate? If so, the University might be told about it. But the University does not think that that is the policy of the Government nor does the country.

A division was then taken with the following result :—

Ayes—15.

The Hon'ble Dr. Nilratan Sarkar.
,, Mr. Aminur Rahman.
,, Rev. Dr. G. Howells.
,, Mr. Provash Chunder Mitter.
,, Kumar Shib Sekhareswar Ray.
,, Babu Brojendra Kishor Ray Chaudhuri.
,, Dr. Deba Prasad Sarbadhikari, C.I.E.
,, Rai Debender Chunder Ghose Bahadur.
,, Maulvi Abul Kasem.
,, Mr. M. Ashraf Ali Khan Chaudhuri.
,, Mr. Altaf Ali.
,, Rai Sri Nath Ray Bahadur.
,, Rai Mahendra Chandra Mitra Bahadur.
,, Babu Surendra Nath Ray.
,, Babu Kishori Mohan Chaudhuri.

Noes—20.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
,, Mr. N. D. Beatson Bell, C.S.I., C.I.E.
,, Sir Satyendra Prasanna Sinha, KT.
,, Mr. C. J. Stevenson-Moore, C.V.O.
,, J. H Kerr, C.S.I., C.I.E.
,, Mr. J. Donald, C.I.E.
,, Mr. L. S. S. O'Malley
,, Mr. F. A. A. Cowley.
,, Lieut.-Col W. J. Buchanan, C.I.E., I.M.S.
,, Mr. C. H. Bompas.
,, Mr. W. C. Wordsworth.
,, Mr. C. F. Payne.
,, Mr. E. B. H. Panton.
,, Rai Priya Nath Mukharji Bahadur, I.S.O.
,, Mr. J. Mackenzie.
,, Mr. W. H. H. Arden-Wood, C.I.E.
,, Mr. R. Glen.
,, Mr. F. W. Carter, C.I.E.
,, Mr. W. E. Crum.
,, Khan Sahib Aman Ali.

The Hon'ble Mr. E. B. Eden abstained from voting.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
,, the Nawab Bahadur of Murshidabad.
,, Sir Rajendra Nath Mookerjee, K.C.I.E.
,, Raja Hrisikesh Laha, C.I.E.
,, the Maharajadhiraja Bahadur of Burdwan.
,, Mr. Arun Chandra Singha.
,, Rai Radha Charan Pal Bahadur.
,, Mr. E. A. Martin.
,, Mr. H. R. A. Irwin.
,, Dr. Abdulla-al-Mamun Suhrawardy.
,, Maulvi A. K. Fazl-ul-Haq.
,, Babu Bhabendra Chandra Ray.
,, Babu Akhil Chandra Datta.
,, Babu Mahendra Nath Ray, C.I.E.
,, Mr. K. B. Dutt.
,, Babu Ambika Charan Mazumdar.

The Ayes being 15 and the Noes 20, the resolution was lost.

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Dr. Deba Prasad Sarbadhikari; Mr. Arden Wood.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXXI.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI moved the following resolution :—

This Council recommends to the Governor in Council that—

(*a*) a sum of Rs. 10,000 be provided in the Budget for the improvement of the Calcutta Commercial Institute ; and

(*b*) the said sum of Rs. 10,000 be taken out of the provision of Rs. 96,58,000 under head Police District Executive Force.

He said :—

"The Calcutta Commercial Institute, which has been in existence for a few years, has been doing excellent work and its work has highly been appreciated in commercial circles. It was my privilege to attend one of its prize meeting under the presidency of the Hon'ble Sir Hugh Bray and I gather that the good work of the school was to a certain extent hampered on account of want of funds. I realise that in the present circumstances it is not possible to find large sums of money for schools and even when the money is forthcoming, it is not easy to have men of the right sort. In fact, I have been told there is some provision. but it is not possible to get the proper men. At the same time, when one is told that lack of funds has retarded the development of this institution, I think it may fairly be claimed that all that can be done under existing circumstances to strengthen a school of this kind should be done. Commercial and technical education has been engaging the public attention very prominently for some time and the time is fast coming when it can scarcely be neglected. A good beginning has already been made in the Commercial Institute, but it should be strengthened. The Hon'ble Sir Hugh Bray and the Principal told us on that occasion that all the commercial houses were glad to take trained pupils from the school. Sir Hugh Bray paid a high compliment on the work of the school and said that it should be placed on a sound footing. I have no doubt that a better class of men will be appointed as teachers when it ultimately forms part of the University scheme as I hope it will soon do; but that has nothing to do with the present occasion. I think the school should be strengthened as it is so that the pupils should be better grounded and be valuable to the commercial houses who are appreciating the outturn of the school so much. In that view I commend this resolution to the acceptance of this Council. I am sure the Hon'ble Mr. Arden Wood, who is on the Board of management of this institution. will bear me out that the present difficulty is due to lack of funds."

The Hon'ble MR. ARDEN WOOD said :—

"My Lord, as a member of the Board of Management of the Calcutta Commercial Institute. I think I ought to say that the Board was not aware of the benevolent intentions of the Hon'ble the Vice-Chancellor towards the Commercial Institute, though I have no doubt that it will be grateful to him for brining this matter before the Council, because it really is a matter of some public importance. The Board of the Commercial Institute has long made up its mind about it. I find that so long ago as the 19th November, 1912, a resolution was passed in which it was stated that the work hitherto done by the Institute in the face of difficulties and adverse circumstances was such as to justify the belief that the Institute provided commercial education of a character that was of use to the commercial community, and that as it had now passed the experimental stage it should be placed on a proper and permanent footing. In order to extend the usefulness of the Institute, it was desirable to raise its status, and the

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Board considered that a Principal should be brought out from Great Britain who would have had special experience of commercial education. The Board was of opinion that if this were not done it would be better to close the institute rather than to continue the work in the experimental fashion in which it had hitherto proceeded. This was in 1912. On the 19th February, 1915, the Board had again this matter under consideration and resolved that steps ought to be taken at once to give practical effect to the opinion expressed at its meeting of the 19th November, 1912. The Board desired to press upon the Government the extreme importance of proceeding without further delay to the appointment of a highly qualified person as Principal of the Government Commercial Institute. The Board considered that the Principal should be a graduate of a British University and that he should have himself specialised in some way that would be useful to him as the head of such an institution. He should be appointed to the Indian Educational Service on a special pay of not less than Rs. 800 a month. These resolutions have all been communicated to the Director of Public Instruction. The present situation is that the institution has still no Principal, and has had no Principal since January, 1911. And this means that the institution, which seven years ago had made a satisfactory start and had really begun to establish itself in the public confidence, is now in a situation which can only be regarded as thoroughly unsatisfactory. The Acting Principal has loyally done his best for the institution, but it is not fair to any man to keep him in an acting appointment for so long a time as seven years. I was under the impression that the difficulty in providing a Principal was due to financial conditions. But I find this year savings on the Budget allotment for the institute of upwards of Rs. 9,000, and I suppose that the real difficulty of doing what is right in this matter is the difficulty there is at present in recruiting a Principal from England. I am not satisfied that it would not be possible to rercuit a Principal in India. and I certainly think that really vigorous action should be taken to ascertain if a suitable Principal could not be obtained in India. The present state of things is not fair either to commercial education or to the Government Commercial Institute, and it should be brought to an end."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, in opposing this resolution, I welcome the Vice-Chancellor's interest in the welfare of the institution. We are conscious, painfully conscious, of what the institution might be doing, if we had been able to carry out our intentions. Some years ago the possibilities of developing the institution were considered and the unsatisfactory progress is due to circumstances that are at present beyond the power of this Government to modify. My opposition to the Vice-Chancellor's resolution is based upon the consideration that his proposal is far vaguer than what we have already under our consideration and I think it will meet the case if I undertake that we shall return to the consideration of our scheme and do what we can once more to have improvements carried into effect. It is too soon to consider any possible improvement in this institution in relation to the facilities that may be offered by the University in the scheme projected for the encouragement of commercial education, but I undertake that we shall, as a department, do our best to get those improvements made possible to which we have already given our attention. I think perhaps in these circumstances the Vice-Chancellor will not wish to press his resolution."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

"My Lord, what Mr. Wordsworth and Mr. Arden Wood has told this Council will suffice for the present; but one consideration that I should like to press upon the department and the governing body of this institution is

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that it is not the Principal alone that would make the college better. There are many chairs that could be filled here even if the Principal from England is not forthcoming for the present. Mr. Wordsworth has told us that it would not be possible to have a fairly good Principal now. But chairs in English, Geography and some other subjects could be at once strengthened locally. Mr. Wordsworth speaks of the University giving facilities, but I think it is quite the other way. The University is looking out for facilities and so far as that goes, my interest in the scheme, which Mr. Wordsworth welcomes, is not wholly disinterested. I have the larger interest of the commercial community and of the public at heart. However, having regard to what Mr. Wordsworth has said, I do not press this resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXXII.

The Hon'ble DR. NILRATAN SARKAR moved the following resolution :—

This Council recommends to the Governor in Council that—

(*a*) a sum of Rs. 80,000 non-recurring and Rs. 10,000 recurring be allotted for making arrangements in the Presidency College for teaching Zoology by providing accommodation and equipment for theoretical as well as practical teaching of the subject and by appointing one Professor and two demonstrators ; and

(*b*) the non-recurring expenditure be met out of the sum of Rs. 6,75,000 provided for Works and Progress and New Works in connection with the reorganisation of the Subordinate Police in Eastern Bengal under District Police ; and the recurring expenditure be met out of the sum of Rs. 6,48,000 provided for Contingencies under District Police Force.

He said :—

"My Lord, when a similar resolution was moved last year by myself, the Hon'ble Mr. Hornell said that from his point of view it was desirable that the study of Zoology should be introduced into the Presidency College ; he objected on financial grounds, but he said he would refer the matter to the governing body of the Presidency College. The governing body of the Presidency College have since considered the matter. They have decided against my proposal.

My Lord, the financial difficulty in regard to any proposal varies inversely with the sense of importance of it. I am concerned, therefore, in proving here that this proposal is an important one. At present out of 68 Universities in the British Empire, whose names are registered in the Year Book of the British Empire, 62 have Professors of Zoology on their staff. In India all the Universities, except Calcutta, have Professors to teach Zoology in the graduation stage to non-medical students ; Calcutta is the only exception. In one University, the Principal of the Government Arts College is a Zoologist—I mean Colonel Stephenson of Lahore.

Then, my Lord, the study of Zoology is a discipline of the first order ; besides that it has a scientific and cultural value. To-day I am, however, even more concerned with its economic than with its scientific value. In no school of agriculture can the study of Entomology, Veterinary Zoology, Agricultural Zoology, Bacteriology or Cattle-farming be neglected as economically unimportant. On the scientific side, a knowledge of Zoology forms the basis of some of the more important sciences of the day such as Anthropology, Evolution, Sociology and Eugenees. The importance of the study of this subject cannot be overestimated.

The sum required for this object need not be very large. Though I have asked in my resolution for a provision of Rs. 80,000 (non-medical) with a little

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arrangement this sum can be materially reduced. If a couple of rooms can be spared in one of the corners of the Presidency College; and if the laboratories of the Botanical Department be allowed to be used by Zoological students as well, whose number is not likely to be large, then the capital expenditure may be materially curtailed. All that I pray for is, that the importance of the subject be properly realised, and that a first beginning, however small, in the study of this subject, be made in Calcutta."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, the hon'ble mover of this resolution has explained that this proposal is not new and that it has already been considered carefully by the governing body of the Presidency College. I fear, however, that he has misunderstood the position taken by that body; and I can speak with authority on the point, as I was at the time the Principal of the College. The governing body of the Presidency College have no objection at all to the introduction of the study of Zoology into the Presidency College. They would not place any obstacles in the way nor would they hesitate to remove any obstacles from the way, if they saw their way to do so. But the Presidency College, even with its excellent laboratories, is already working up to the full standard of its equipment in the other sciences, *viz*, Physics, Chemistry, Geology, Physiology and Botany. The governing body, after careful consideration, came to the conclusion that they could do nothing for Zoology, except at the expense of some one of these sciences, which, in their opinion, had a greater weight to consideration. In arriving at this opinion they were guided by the judgment of a prominent Indian gentleman, who is specially competent to speak for the Indian community in these matters and who is the Vice-President of the governing body, that there does not exist such a demand for the study of Zoology as would justify them in interfering with the facilities now offered for the study of any one of the other sciences. I admit that this is only a partial argument, and that it is a part of the duty of a University and a College to stimulate an interest in the higher studies and to offer facilities for pursuing that interest. This is, however, a question of practical difficulty, and the governing body of the Presidency College feel that when opportunity arises, their first consideration must be provision for teaching Botany in the first year and second year classes. I should explain that the other sciences are taught from the first year to the sixth year classes, but Botany is only taught in the third, fourth, fifth and sixth year classes. The authorities of the Medical College have recently requested the Presidency College to provide facilities for teaching Botany in the first and second year classes. They have pointed out that the Presidency College students at present are at some disadvantage in the keen competition for admission to the Medical College and that this disadvantage is likely to increase in the near future. If, therefore, it were possible to provide extended facilities for science of the equipment, the first consideration must be provision for teaching Botany in the first and second year classes.

"I can, therefore, only assure the Hon'ble Mover, as I have assured him repeatedly, that the utmost the Presidency College, situated as it is, can do is to bear his point of view in mind, so that, when the College extension scheme is taken up once more and the financial stringency is removed, the building of a laboratory for the teaching of Zoology may then receive full consideration."

The Hon'ble DR. NILRATAN SARKAR said :—

"My Lord, I am somewhat concerned to hear that it has been stated by responsible persons that there is no demand for the study of Zoology. I cannot

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prove this matter because there is no chair for Zoology at present. I believe, however, that there is a demand. Apart from that, I may point out that many of the higher studies have to be unless without a preliminary Zoological teaching, for instance, the University introduced the study of comparative Pshycology. It is now rather amusing to think of comparative Pshycology without a study of comparative Anatomy. Then again there is such a subject as higher Zoology in the University curriculum. Of course there is no graduation in Zoology, but there is Zoology in the higher stage. However, I gain nothing by prolonging this quarrel with the Director of Public Instruction. I shall be quite content if he remembers the thing and when the time comes, he will make arrangements for the introduction of the study of Zoology in the Presidency College."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXXIII.

The Hon'ble DR. NILRATAN SARKAR withdrew the following resolution which stood in his name :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 50,000 non-recurring and Rs. 10,000 recurring be provided for making arrangements for the theoretical and practical teaching of Physics, Chemistry, Botany and Zoology in the I. Sc. standard in the Bethune College by equipping suitable laboratories and appointing two lecturers and two demonstrators ; and

(b) the non-recurring expenditure be met from the lump provision of Rs. 6,75,000 for Additional Force and Police Reforms under District Police Force—*20—Police*, and the recurring expenditure be met out of the sum of Rs. 6,48,000 provided for Contingencies, under District Police Force.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXXIV.

The Hon'ble DR. NILRATAN SARKAR withdrew the following resolution which stood in his name :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 12,000 recurring be allotted for strengthening the Dentistry Department of the Calcutta Medical College ; and

(b) the expenditure be met out of the sum of Rs. 47,61,000 provided for Police Force under District Police Force.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXXVI.

The Hon'ble BABU SURENDRA NATH RAY moved the following resolution :—

This Council recommends to the Governor in Council that as the proposed Budget estimates exceed the income by Rs. 40,20,000, the following items of expenditure be deleted from the Budget :—

		Rs.
1.	Construction of steam launches, etc., for the River Police in Eastern Bengal	1,00,000
2.	Works in progress of the Police Department in connection with the reorganization of the Eastern Bengal Police	6,75,000
3.	Construction of launches for River patrol arrangements in the Calcutta Police	80,000

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		Rs.
4.	Bhowanipore Asylum ...	2,00,000
5.	River patrol arrangements under Calcutta Police—Construction of launches	79,996
6.	Additional temporary force for Intelligence Branch ...	1,04,308
7.	Increase of temporary force for District Intelligence staff	2,13,446
8.	Temporary boat establishment	5,193
9.	Hire of launches	27,600
10.	Increase of pay of constables of the Calcutta Police ...	1,00,000
11.	River patrol arrangements in connection with the illicit importation of arms	1,26,765
12.	Raising of proportion of the ordinary reserve of head-constables and constables	1,30,756
13.	Regrading of Sub-Inspectors and head-constables ... (This amount may be retained if the increased pay of the last grade of Munsiffs come out of it).	60,308
14.	Proposal for raising the pay of head-constables ...	54,114
15.	Reorganization of the River Police in Eastern Bengal ...	1,48,596
16.	Construction of the Secretariat Press	50,250
17.	Construction of new Taxi-stands on the Maidan ...	15,000
		21,71,335

He said :—

"My Lord, the items of expenditure which I propose to exclude from the Budget mainly concern the Police Department although certain items under the head 'Miscellaneous' have been also included. These items amount to Rs. 21,71,335. The Hon'ble the Financial Secretary in introducing the Budget said : 'War conditions still prevail and the principle that our expenditure should not exceed our total income had again to be followed.' He then pointed out that the Government of Bengal had obtained the sanction of the Government of India to draw upon the financial balance to the extent of 40 lakhs. The principle that the expenditure should not exceed the total income is sound not only in war conditions, but it applies to all conditions and can be departed from only on account of extraordinary circumstances. The question therefore arises whether there have been circumstances to justify expenditure of such a large amount above the income at the present time. It appears that inspite of the very large expenditure incurred by the late Government of Bengal and of Eastern Bengal and Assam on the police to carry out the recommendations of the Police Commission, the total expenditure on the same item for the year 1912-13, the first year after the formation of the new Presidency was little less than 84 lakhs. It should also be remembered that the Government of Eastern Bengal and Assam and old Bengal incurred large expenditure on the police, both recurring and non-recurring, to carry out a policy of repression of the Swadeshi movement arising out of the anti-partition agitation from 1905 onwards.

In the Budget estimate for the year 1904-05 for old Bengal, which comprised the territories administered by the recent Government of Bengal and of Behar and Orissa, Rs. 65 lakhs were only allotted for the police or roughly the cost of the police of Bengal as at present constituted may be taken to be Rs. 35 lakhs and within 8 years the charges increased to 84 lakhs or an increase of 250 per cent. But during the last 5 years the expenditure on the police has again increased from Rs. 84 lakhs a year to 1 crore and 22 lakhs or by 45 per cent. and the Budget estimate for the next year is Rs. 1 crore and 37 lakhs or an increase of 63 per cent. in five years. It is interesting to compare the figures on certain other items of expenditure which directly concern the people of this Presidency, *e.g.*, Education, Sanitation and Irrigation. It appears that in 1912-13 the total charges under head 'Education' amounted to Rs. 73½ lakhs and in 1917-18 of Rs. 81 lakhs or an

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increase of less than 10 per cent. and this after the receipt of the large amounts expressly granted by the Government of India for that purpose. The expenditure on Sanitation for the same period was Rs. 7⅝ lakhs and Rs. 5 lakhs, respectively, or a decrease of 34 per cent., while the expenditure on irrigation is practically the same. I may also be permitted here to refer to some other relevant facts. In the Budget for 1914-15 large sums were provided for the spread of education and improvement of sanitation, but on the breaking out of the war it was intimated that all works of improvement should be stopped and that it might also be necessary to curtail the expenses of general administration. The non-official members of this Council were also urged not to hamper the Government during the time of war by pressing the claims of sanitation or of education. But so far the result has been that in this malaria-stricken country the only establishment that has been curtailed is the Sanitation Department. The large sums set apart for the improvement of education has also not been spent under the orders of Government. But year after year we find fresh and new schemes brought forward in connection with the police and this can only mean that it is the deliberate policy of the Government to favour expenditure on the police at the expense of education and sanitation. My Lord, I think the time has come when we should cry 'halt' to this state of things. Have the Government any idea as to how many projects for the improvement of sanitation are being hung up for financial reasons? 19 schemes, which have been administratively approved and costing about Rs. 31½ lakhs, have been postponed on account of financial stringency and 40 other schemes estimated to cost Rs. 95¼ lakhs could not be finally submitted even for administrative approval principally for these reasons. These are schemes for the improvement of water-works and drainage of only certain of the municipalities in Bengal to which under the existing rules Government make a contribution of only one-third of the cost, but in some cases, *e.g.*, the Dacca sewerage, amounting to Rs. 10 lakhs or the water-works of the Ruparian Municipalities, amounting to Rs. 35 lakhs Government will have to meet a large part of the cost ultimately. These projects only concern certain municipalities only and do not include large schemes of sanitation which the Sanitary Commissioner will soon have to bring forward before Government for the amelioration of the general condition of the people of this Presidency. Schemes of irrigation and reclamation of silted-up rivers and waterways, which have already been taken up by your Lordship's Government, will also have to be carried out if the scourge of malaria is to be driven out of the country. When just five years ago I moved in this Council to set apart the sum of Rs. 20 lakhs granted by the Government of India for sanitation for the purpose of supplying of pure drinking water, Sir William Duke said that the Government were quite willing to spend money for the supply of drinking water, but that the local bodies could not take advantage of the assistance of Government because they were not ready with their projects. Now it appears that the municipalities of this Presidency were ready with 16 projects for the supply of drinking water and 40 projects for drainage, involving a cost of Rs. 1,26,50,000, but there is very little money in the till available to carry them out. Projects for improving the conditions of other municipalities and of district boards are being formed, though at present, as already stated, the number of schemes not yet carried out is very large. Then as regards primary education. It has practically become the fashion to take for granted that the cost for its extension should be met by a direct tax which is always unpopular and the responsibility for which should be taken by the local bodies. My Lord, while I do not shrink from the fact that the local bodies should take the responsibility that is properly theirs, but that does not imply that it is necessary or equitable that the whole cost of primary education should fall upon their shoulders. The resources of local bodies in Europe and America are not limited to rates as in Bengal, but in many places

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they enjoy a part or even the whole of the income derived from Excise and also part from income-tax and other sources, which in India are treated as properly belonging to the general revenue of the country. Besides, they also, in most instances, get additional help from the national treasury for the improvement of primary education. The Government will therefore have to contribute substantial sums towards the improvement of primary education. The question of secondary and University education are also bound to draw a larger share of the general revenues of the Presidency in the near future. I therefore do not see how can the Government be justified in incurring such a large and increasing expenditure at the present time and year after year on the police. This point of view is still more accentuated by the fact that the Government proposed to draw on the balances to the extent of Rs. 40 lakhs. During the present financial stringencies no new expenditure should be allowed that can possibly be postponed. I am fully aware of the fact that peace and order should be maintained in this country, but when police charges have increased in the course of some 10 or 12 years from Rs. 35 lakhs a year to 1 crore and 37 lakhs a year or more than four times, it is time that the charges should be carefully scrutinised and curtailed if possible. Every year we are practically told that this new and additional police charges must be sanctioned or Government will not be responsible for law and order in the country. Such arguments might hold good for one or two years, but when the same stock argument of 'the wolf' 'the wolf' is repeated year after year people are justified in being sceptical about them and cannot take them for granted. Really we are at a loss to think where the cost of the police administration would lead us and whether it will not practically swallow all increase of revenue in future.

Last year we thought that all that the Government wanted to spend on the police had been provided for in the Budget. It cannot be said that the anarchical crimes have increased within the last 1[illegible] months or that there have been new developments, necessitating the increase of expenditure on the police. We see an increase of expenditure in the police among others under the additional temporary posts for Intelligence Branch Rs. 1,04,308. Increase of the temporary posts for District Intelligence Staff Rs. 2,13,446. Where is the urgent necessity for spending Rs. 80,000 for construction of launches for river patrol arrangements in the Calcutta Police and a lakh of rupees for the construction of steam launches for the River Police in Eastern Bengal? Where again is the necessity, and this necessity must be of an urgent nature, to justify the expenditure of such a large amount of money as Rs. 6,75,000 provided in the Budget in this war time and all necessary improvements are held over till the return of normal times for works in progress of the Police Department in connection with the reorganisation of the Eastern Bengal Police. No case has been made out by Government for this increased expenditure on the head of 'Police.' Then again Government want to draw Rs. 2 lakhs for the Bhowanipore Asylum on the ground that it is necessary to have an Observation Hospital for lunatics in or near Calcutta. If it is needed it can be taken from the amount allotted for the Lunatic Asylum at Ranchi. But I do not press for this item. Have the Government considered the effect of mortgaging future increases in revenue on all schemes of improvement? Have the Government considered the possible demands of education and of sanitation on the resources of the State in the near future and their urgency and can the Government say, after a careful comparison of the relative claims of different items of expenditure, that they are justified in incurring such heavy and additional expenditure on the Police Department year after year? Have the Government ever considered the effect of sanctioning without much scrutiny heavy items of expenditure on a single department of the State year after year and as to whether it does not lead to a wrong and wasteful idea of the value of money and even loss of efficiency

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in the Department? Have the Government even considered the fact that heavy expenditure is not synonymous with increased efficiency and that in many cases such a policy leads to abuse and relaxation of effort in future which cannot be got rid of under the law at present. My Lord, I am fully conscious that the non-official members of this Council have no vote in passing the Budget and the Executive Government is alone responsible for all expenses, but I think we should not be justified as representatives of the people in silently acquiescing without protest in a policy which practically mortgages our future resources. I do not know what shape the promised reforms will take, but with promises of responsible Government and also the necessity of very large expenditure on education and sanitation in the near future Government can never be justified in drawing upon the balances for current expenditure. Cut your coat according to your cloth is a well known maxim. A depleted treasury and a heavy recurring liability is not a very pleasant state of things to contemplate."

The Hon'ble MR. CRUM said :—

"My Lord, regarding this resolution, I feel that something more than a mere vote is required to give expression to the feelings of the Chamber of Commerce on the subject of police. When I received my papers two days ago I found that out of 35 resolutions no less than 22 proposed a reduction in the Police Budget, and many of the primary parts of these resolutions met with considerable favour from me, that is to say, as far as their primary portions were concerned, I felt that they were deserving in many cases of consideration; but when I considered that combined with these very excellent resolutions there was a question of the reduction of the Police Budget, I decided undoubtedly to vote against them. I naturally tried to find whether the Hon'ble Members who moved these resolutions put forward any very cogent reasons for the reduction in the Police Budget and I have not been able to find any at all. The first reason put forward, and it was put forward by several Hon'ble Members, was that they wanted money and it would not matter very much if a little was taken out of the Police Budget. Well, the accumulated effect of all these resolutions, before we come to this particular one, amounted to Rs. 18 lakhs, so that it was really a very large sum which the Hon'ble Members wanted to take out of the Police Budget.

The second reason put forward was that the efficiency of the police was not commensurate with the expenditure. That, my Lord, is a matter of opinion. We non-officials do not know whether the expenditure on the police is commensurate—I think it is—and there are other gentlemen who may not be of the same opinion. We must be guided in this matter by Your Lordship in consultation with your official advisers. Therefore, for this reason, I consider that we cannot bring forward that argument in favour of the reduction in the amount budgetted for the police. The Hon'ble Mover of this resolution has asked for a wholesale reduction in the Police Budget, because, I understand, there are several other deserving objects to which this sum may be devoted, and because the expenditure on the police had been so very large during the last few years. My Lord, we, members of the Bengal Chamber of Commerce, consider that the first duty of Government is to maintain an efficient and able police force, and we do not believe that the police can be maintained as efficient as they should be without expenditure. We also believe that, in order to increase the efficiency of the police force, efforts should be made to get a better class of men into the force, to improve their surroundings and to make them more contented; in that case only will very many of the undoubted police evils disappear.

"Finally, I would like to pay a tribute to the splendid work which the police of Bengal have done during the last 3 or 4 years. The Hon'ble Mr. Kesteven

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mentioned this in speaking at Delhi last week, and it is a subject which I would like to enlarge upon and to assure the police here that they have our entire support. My Lord, with regard to any motion which has as a part of its proposition a reduction in the amount budgetted for the police, I should like to say that the Bengal Chamber of Commerce will certainly vote against any such reduction."

The Hon'ble Dr. HOWELLS said :—

"My Lord, I do not quite sympathise with the attitude of my Bengali friends as I have seen it in this Council in regard to police affairs and the maintenance of the police in a state of real efficiency. With the previous speaker I take it that the first duty of the Government is to maintain law and order and the maintenance of the police force in a state of the most thorough efficiency is absolutely necessary for that purpose. Now how far the police force under present conditions has succeeded in helping the Government to realize the first purpose of its being may be doubtful and I cannot but feel that the attitude of so many in Bengal towards the police is to some extent responsible for this state of affairs. The police are so far as I can see largely recruited in the country and there is a feeling that they have not the sympathy of their own people in carrying on their work. The result of this is in some cases really serious. Some little time ago I was talking with a missionary friend who has been for more than thirty years in very close touch with village life of Bengal and he expressed to me the deliberate opinion that in the course of his experience he has come to hold the view that it is practically impossible for a poor man to get justice done in Bengal. That is a very serious thing to say. But in the main I should say it is justified and justfied largely because of the corrupt methods in vogue in the police—specially in its lower ranks. Government may have and has the very best intentions for maintaining law and order, but it is manifestly dependent upon the efficiency of the lower ranks of the police as well as the higher ranks if it is to carry out the object it has in view. I do not understand how my Bengali friends complain of the corruption and wrong methods of the police force and yet at every turn object to money being spent on the police. It seems to me that if we are to maintain law and order in a thorough way, a further and continuous expenditure on the police force is absolutely necessary otherwise Government has no right to continue its existence and I trust that my Bengali friends will realize that if they are to have a really efficient police force they must give them more sympathy than they do at present. The police force of London are the pride of London and why? Because the people of London give them every sympathy and help and there is a real co-operation between the police and the people. I should like to see that spirit of co-operation between the people and the police in Bengal—a real desire, when a crime is committed not to keep it away from the police, a real desire for its thorough detection and punishment. It is only when that spirit enters into the people of Bengal and when they are ready to co-operate with their own countrymen and with the Government in detecting and punishing crimes and when the police force feel they are to help and not oppress the people it is then that we will have a police force here like that of London. The police will then become the pride of Bengal. The police force of a country must be very largely dependent on the ideas in vogue regarding the police in that country. The police will not in themselves be higher in ideals and in methods than the ideals and methods which the people of the country entertain regarding what the police force ought to be."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, the course of this debate on the Financial Statement in its relation to the police, reminds me somewhat of the daily events which happen in the

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sphere of war. From such news of the war as is vouchsafed to us by Reuter we are now all familiar with the daily raids which happen over a period of time; they are small things individually, but they continue for some weeks, until we wake up one morning to find that the attack in force has taken place. There is some analogy between these telegrams and the course of this debate. Yesterday and earlier to-day we have had the minor but incessant raids, taking various forms and delivered in various places, but mostly checked before they reached the financial trenches by the barrage put up by the various Departments in whose favour expenditure on the police was sought to be reduced. Now we come to the attack in force which, if it does not annihilate the object assailed would, if successful, at any rate have very serious results on its efficiency.

"The first reason adduced for the acceptance of the resolution, Sir, as I understand the Hon'ble Mover, is a financial one—that we are going ahead too fast having regard to the financial situation, and therefore on grounds of economy and prudence should curtail our expenditure generally, especially in view of the large sum by which our expenditure for the year exceeds our income. As regards this, I would only say that the prudential motives for husbanding our financial resources at the present moment are mainly based upon considerations of Imperial finance. These have been explained on various occasions by the Hon'ble Sir William Meyer, and it would be inappropriate to go into them here. If, therefore, we have received the sanction of the Government of India to our Budget, I think that we may fairly take it that the Government which is primarily interested in the accumulation of the provincial balances is, on its part, satisfied that our needs justify the step we propose to take in incurring expenditure from them Although we have exceeded our income by a considerable sum, I would further draw the attention of the Council to the fact that we anticipate to close this year with a balance of Rs. 3,37,32,000, out of which Rs. 81 lakhs is a free balance, not earmarked for particular purposes. Considering that our prescribed minimum provincial balance is Rs. 20 lakhs, I think we may reasonably say that, as a province, we are in a sound financial position. So much for the general financial question.

"Coming to the particular matter of the police, the argument, as the Hon'ble Mr. Crum has said, falls under two heads; *first*, that our expenditure on the police is very large and is growing at a most undesirable rate; and *secondly*, that there are very many other deserving objects in the province to which our funds should be devoted. It is undeniable that there are a thousand things which we would like to see done if we had money; but as regards the contention that it is only the expenditure on the police which is going up by leaps and bounds, while everything else is unduly retarded, I would like to call the attention of the Council to a few figures which show that on many of the more popular Departments expenditure in recent years has equally gone up very rapidly. Taking the figures for the two years 1912-13 (actuals) and for 1918-19 (Budget) as given in the papers which have been distributed to Hon'ble Members, we find that within that interval the charges under the head of 'Education' have risen from Rs. 73¾ lakhs to Rs. 103 lakhs. The expenditure under the head of 'Medical' in 1912-13 was Rs. 22½ lakhs; it is nearly Rs. 27 lakhs for 1918-19; the cost of Sanitation was Rs. 7½ lakhs in 1912-13, it is now 11¾. Agriculture, which accounted for Rs. 7¾ lakhs in 1912, now totals Rs. 14 lakhs. Therefore it does not prove that the expenditure on police is excessive merely because it has been going up rapidly. There are other Departments, as to the utility of which there is little difference of opinion, towards which money is being devoted in an ever-increasing way. That the expenditure on police is large, I admit; and on broad lines the justification is that we are only now making up the leeway of previous years. All those who have investigated the provision for the police, especially

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in Eastern Bengal, in the matter, for instance, of equipment and buildings, agree that it is below the level of, I would not say comfort, but efficiency, and we are now trying to make these and other deficiencies good. Illustrations of the fact can be drawn from the particular items to which the Hon'ble Member has drawn attention, and I will briefly explain their character, but I do not propose to expand upon the general merits or demerits of the police. I think the work of the Department would proceed more efficiently and smoothly if it was recognised both by this Council and by the public that the sole desire of Government is to see that the work entrusted to the police is done honestly and efficiently, and this, too, is the sole desire of the superior officers of the force; it is with that desire only that we make proposals for increased expenditure. We believe we have done much to attain that object, and although much still remains to be done, we shall persevere and progress steadily towards that end.

"Turning to these particular schemes I would point out that the Hon'ble Member has by inadvertence made one or two errors. In the first place his opening item of one lakh is really included in his item no. 15 of Rs. 1,48,596. Secondly, his item nos. 3 and 5,—*i.e.*, the amounts of Rs. 80,000 and Rs. 79,996, are similarly included in item no. 11 for Rs. 1,26,765. The Hon'ble Member has duplicated the items by a mistake which I can explain to him personally later.

As regards the first item, which is really part of the total of Rs. 1,48,596, this concerns a very old scheme. The urgent need of the better policing of the large rivers of Eastern Bengal and Assam was emphasised by the Police Commission as far ago as 1904, and if this can be ensured it is obviously a matter by which the people of Eastern Bengal will benefit. The frequent incidents which are reported in the papers show that the outlying reaches of these large rivers are largely at the mercy of dacoits. The late Government of Eastern Bengal and Assam elaborated a scheme in 1910 at a capital cost of Rs. 11,24,000 and recurring cost of Rs. 4,48,000. The heavy capital items were for headquarters, floating thanas and launches, with recurring charges for establishments and cost of running the boats. The outlay is necessitated by the circumstances of the country which distinguish it from other parts of the province. The proposal was sanctioned by the Government of India, after some curtailment, in 1911, and they promised and gave Rs. 10,38,000 non-recurring and Rs. 3,60,000 recurring. The Council will therefore see that to that extent money was actually given to us for this particular object. Since then, the late Government of Eastern Bengal and Assam and the present Government, have gradually been trying to introduce these reforms. The very slow progress made attracted the unfavourable attention both of the Government of India and of the Secretary of State; so instead of undue extravagance, we have been accused in higher quarters of undue delay. But the difficulties are great, especially at the present moment; they are due partly to the want of funds and partly to the inability of the dockyard authorities to construct launches, which are in urgent demand for military purposes. Even, at the present moment, it will be observed that we are not now giving the Inspector-General all for which he asks, and he will only get Rs. 1 lakh non-recurring against Rs. 2,38,000 wanted.

"I dealt with items 2, 6 and 7 yesterday in connection with another resolution, and I do not repeat what I then said.

"I now come to item no. 3 which, as I have already said, is included in item no. 11. The whole provision is in pursuance of a scheme which was initiated as the result of enquiries which have been made since the war into the efficiency of the arrangements at the port of Calcutta for the detection of smuggling. An enquiry was made by a special officer, deputed by the Government of India, who visited Calcutta along with other ports. In

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pursuance of his recommendations proposals were framed in consultation with the local officers, and the whole scheme contemplates the provision of six launches with the necessary boat establishments. The net ultimate extra cost involved is Rs. 49,368 recurring and Rs. 2,69,951 non-recurring. Of this amount, we have already incurred certain expenditure during 1916-17 and 1917-18, and the provision in the Budget is therefore, in respect of a project to which effect is already being given, and it cannot be eliminated. It is a reasonable proposal designed to maintain the efficiency of our Customs arrangement.

"As regards tho Bhowanipur Asylum I gather that the Hon'ble Mover withdraws his opposition to it, and I will not discuss it at length although the expenditure can easily be justified.

"The next item is for temporary boat establishments. This small provision (Rs. 5,193) is an old scheme and has been pending since 1914. In 1913, the temporary boat establishments were revised in Eastern Bengal and Assam. This was never done in Western Bengal. In 1914, proposals were made by the Inspector-General of Police consequent on the rise in the wages of labour and the rates of boat hire, and the necessity for more boats and for their retention for longer periods. It is in consequence of the existence of so many rivers in Bengal that it has been found necessary to maintain a large number of boats for the efficient working of the police.

"The next item is for hire of launches, and Rs. 27,600 has been provided on this account, owing to the fact that since the war many of our launches have been requisitioned by the military authorities and sent to Mesopotamia, with the result that they have had to be replaced by hired vessels. We are glad to be able to help the military authorities, and I suppose we shall get back the money in some form or other, when the military authorities pay us for the boats they have taken from us.

"We come next to the item touching the increase in the pay of the constables of the Calcutta Police. At present, these men draw Rs. 11, Rs. 12, Rs. 13 and Rs. 14, after varying periods of service. Their pay was last revised in 1914. Subsequent enhancements in the cost of living have shown that these rates are inadequate to produce recruits, and last year we were, at one time, faced with a deficiency in the force of 5 to 600 men; in a large city of the importance of Calcutta, where the property interests at stake are so enormous, this is obviously a great danger. Necessarily, then, we considered how recruitment could be revived, and we examined various expedients, amongst them the payment of a war bonus. We came to the conclusion, however, that as the conditions were really of a permanent character, since once we increased the rates of pay we could never go back to the old scale after the war, it was best to give an all round increase of Rs. 2 per mensem at the different stages, the cost of which is estimated approximately at Re. 1 lakh per annum. Even at that, I think it can scarcely be said that the constables have been given an excessive living wage.

"The next item of Rs. 1,30,759 is for the raising of the proportion of the ordinary reserve of head-constables and constables. It is merely a provision for an obvious incident in the working of the Department; that is to say, we have always a number of men ill, in the unhealthy districts especially, a certain number under training and a certain number on leave, and for these we must make provision. The matter was dealt with by the Police Commission, which put the proportion of the reserve at 15 per cent. of the strength. They admitted that the basis of their calculations was not very satisfactory, and they recommended that the figures should be adjusted in the light of subsequent experience. We have now gained that experience, and, since 1912 the inadequacy of the reserve has been prominently represented in the annual

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reports. In 1915, a scheme of revision was prepared, and we classified the districts on a more scientific basis according to their relative degrees of unhealthiness. Subsequently this has been scrutinised at considerable length, and we have finally submitted proposals to the Government of India grouping districts in three classes, in the highest of which the reserve should be 25 per cent. and in the lowest 21. The Police Commission, basing their conclusions on the circumstances affecting India as a whole, had never given sufficient weight to the unhealthiness of many districts which now form part of Bengal. The reform is estimated to involve a recurring expenditure of Rs. 3,47,840 per annum, and a non-recurring expenditure of Rs. 64,715, excluding buildings.

The next item is for the regrading of sub-inspectors and head-constables which amounts to Rs. 60,308. This was mentioned yesterday in connection with a resolution, with the criticism that we were hurrying on this matter to the prejudice of other things which were equally urgent. I would only represent that this reform dates back to 1905. It was recognised and admitted at the time that the rates of pay of head-constables and sub-inspectors were inadequate and a better scale was laid down, but it could not be given effect to in full for financial reasons. This provision is merely in pursuance of that very ancient scheme.

"The next item is a proposal to raise the pay of head constables which accounts for Rs. 54,114, and relates to a grade about which every province has in recent years experienced considerable difficulty. It is probably in respect of this class that the recommendations of the Police Commissioner were least satisfactory, among many other useful recommendations which they made in other respects; and, as I have said, every province has been obliged to look further into this matter. The recommendations of the Police Commission were to fix the grades of head-constables at Rs. 15, Rs. 20 and Rs. 25. Unfortunately, the Government of India, in considering the proposals, did not even give what the Police Commissioner recommended, but in 1914 sanctioned Rs. 17-8, Rs. 20 and Rs. 22-8. The Inspector-General of Police has now come up with a long report, pointing out that we shall have to go higher still, and I think that there is *primâ facie* justification for his proposals. He has further pointed out that our maximum of Rs. 22-8 is lower than that of Madras, Bombay, the United Provinces and Behar and Orissa, the maximum in Bombay being Rs. 35. If these provinces have found it necessary to increase their rates of pay, it is obvious that in Bengal, with its high cost of living, the necessity for raising the maximum is still greater.

"I will now refer to a less controversial matter regarding the Secretariat Press. Here again the scheme is an old one, and it is practically at the same point at which I left it when I was transferred from the province in 1912. In 1909, a committee sat, of which I had the honour of being a member, and which pointed out the need of better press accommodation. In 1912, we thought that we were almost getting a move on, the idea being to remove the press to the old Board of Revenue office at Bankshall Street which then fell vacant. The removal of the Government of India turned the question into other channels as it was thought that we might be able to make use of some of their buildings. Unfortunately we could not get the buildings we hoped for. An unsatisfactory expedient was eventually adopted of placing a part of the press in a very noisy and unsuitable building near the Sealdah Station, which was kindly made over to us by the Eastern Bengal Railway. The splitting up of the press made supervision difficult and the opportunities of confusion appreciable. We, therefore, decided to try to settle this matter once for all. We have taken up land this year near the new Presidency Jail and near the Forms Department, thus facilitating

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work by having these two buildings in close proximity; and we made this small provision in the hope of getting on with the preparation of the site. The future demands on the Secretariat Press are not likely to decrease and in fact will probably increase. Merely to take one possibility, that of having more frequent meetings of Council in future, it is obvious that the demands on the press would thereby increase very much. It is only common prudence to take the necessary steps to meet them in advance.

"I trust, Sir, that I have justified in brief outline these entries in the Budget and have established to the satisfaction of the Council that in making these provisions we can scarcely be accused of prodigality."

The Hon'ble MAULVI ABUL KASEM said:—

"My Lord, after the speeches that have been delivered on this resolution, I think we shall be failing in our duty if we are only to give a silent vote on it. I rise to-day simply to say that although we support the resolution moved by my hon'ble friend, Babu Surendra Nath Ray, still we want to assure Your Excellency's Government that we are as anxious as anybody else, if not more, to have an efficient, strong and popular Police in this country. We have been told that the London police is the pride of London and we wish we could say the same of the Indian police. If the police is not popular in this country, my Lord, the fault certainly does not lie with my countrymen; the police must be to some extent responsible for their unpopularity. If there is no co-operation between the police and the people in this country, I cannot help feeling, my Lord, that the police must be held responsible for that want of co-operation, for, why should not the people co-operate with those who protect their lives and property from being endangered by criminals? It is certainly strange that the very people whose lives are threatened and whose properties are destroyed or stolen are the people who do not co-operate with the police who exist in this country for their protection. Who gains by this? Certainly not the people of this country. Our grievance is not that more money should not be spent on the police, but that we should see that the money is not mis-spent. No doubt this year also 'a good deal of eloquence', of indifferent eloquence has been expended during these few days. But, my Lord, I want to impress upon Your Excellency's Council that we all representing various interests in this Council—some representing Municipalities, some District Boards, others again special electorates coming from different parts of the presidency—we all agree in thinking that the expenditure on the police is extravagant and ought to be curtailed. There must be some cogent reasons for this. This is not the first time that we are entering our protest—we did it last year and this year also we have to represent it again and we hope and trust that whatever may be the fate of the resolution, at any rate we have made it clear that there is a good case for inquiry into the matter—a careful inquiry about the working and the efficiency of the Police Department. My Lord, we, the real people, are afraid even to lodge complaints before the police when there is a theft in the house or in the village because the presence of the police in an outlying part of the district is considered as a visitation. Those who have any experience of the rural areas will agree with me in this statement of mine. The other day I had the honour of being one of a party who went to investigate cases of alleged police oppression in connection with the looting of hâts. We were told that in a certain district an inquiry was held by a Magistrate who found no cases of oppression, but when we told him about specific cases and after another inquiry he found it necessary to suspend some police officers and start prosecutions against them. But before the non-official agency was there, no case was found against the police. Complaints from various parts of the district reached us where villagers would not dare complain against the police and some of us had to go to these places to make investigations on the spot. I hope,

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however, that this extra expenditure will make the police more efficient and more popular with my countrymen."

The Hon'ble MAULVI FAZL-UL HAQ said :—

"My Lord, I must first apologise for my late appearance in Council to-day, but at the same time I consider it somewhat fortunate that I dropped in at an opportune moment and have got an opportunity of saying a few words with reference to a resolution which raises a question of some importance not merely to the Government but also to the people of this country.

My Lord, I may at once begin by saying that the expenditure of eloquence on the budget allotment on the police will this year be of a somewhat aggravated character as compared with that expenditure in the past. Or to put it briefly, we shall try to keep pace with the increased expenditure shown by Government in the budget allotment as compared with previous years. If those who are responsible for running the department, if those who are responsible for framing the budget, want to cut down non-official eloquence on this point, my advice to them is that they should also try to cut down a little of the wasteful expenditure on this particular department of Government. I have already committed myself by saying wasteful expenditure, but I hope I shall be able to make good the charge even at this late hour of the day. I dropped in at a time when Dr. Howells was speaking, and I heard him appealing to the Bengali Members of this Council to show a little sympathy for this department, if we are all agreed that this department should be honest, upright and efficient. I will only say that we are prepared to show our sympathy, and sympathy in an abundant measure, but we also stipulate that while we are prepared to extend a little more of our sympathy, Government should also discontinue showing unmerited sympathy so far as this particular department is concerned. I have often wondered how it is, so far as the Police Department is concerned, that the people and the Government are almost invariably ranged against each other ; the more Government wants to justify expend ture on the police, the more Government want to justify the action of the police, the more Government want to whitewash the acts of the police, the greater seems to be the persistent and popular outcry that the expenditure on the police is wasteful, and that the sympathy which the Government is showing is absolutely misplaced. Is there in any country a parallel to what we find in India, where the divergence of Government and popular views sometimes amounts to a positive scandal? The fact cannot be ignored that it is not against the European members of the police that the public raise their voice ; the fact cannot be ignored that we do not mean the European Superintendents or Assistant Superintendents when we say that the police are corrupt—we mean the constables, the head-constables, the sub-inspectors and sometimes even the inspectors but nothing beyond that. Everybody knows that this class of public officers comprises wholly Indians and nobody else. How is it, My Lord, that we, holding responsible positions in this country, raise our voice against our own countrymen ? How is it that we do not say anything against the European members of this force, but when the sub-inspectors or inspectors are concerned, we do not hesitate to say that these men must be presumed to be corrupt unless and until it is shown that they are honest. As a matter of fact it is somewhat incredible to hear that a police officer is honest. If anybody such as a sub-inspector is said to be honest at present, he is considered something like a prodigy. He is considered as an exception to the general rule. How is it, My Lord, that such a state of things prevail here without a parallel in any other part of the world ? I think I may submit for the consideration of your Excellency one little fact which is often overlooked, but which will go a great way to explain this particular state of things. In my opinion the fact that the police is ill-paid may be a reason, but

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the real reason why the police are corrupt lies in the fact that to them is extended a sympathy which is sometimes unmerited and often misplaced, and which in almost all cases is inexcusable. Almost every one of us as a father of children has to deal with our own household and we know how it is that children are spoilt. I do not know what the custom is in Europe, but in India the children are spoilt by the excessive zeal on the part of parents showing them undue favour and not punishing them when they deserve it. This unmerited favour, undeserved sympathy and want of punishment is indeed the reason why children get spoilt. Indeed, what are these police officers under this system of administration—they are the spoilt children of Government.

I may quote some facts and figures : Sometime after these *hat-looting* disturbances took place we had been hearing reports from almost all parts of the Presidency of oppressions by the police, we, have been hearing that the police had been arresting villagers and had been releasing some of them after taking money, and had been committing all sorts of oppression. These are the kinds of complaints we always hear against the police. We did not at first believe them, but when the reports became persistent and report after report began to come in, we thought it our duty to hold some sort of enquiry to find out the true facts, and to place those facts before the Government. My friend, the Hon'ble Maulvi Abul Kasem and I went over to Noakhali and the Hon'ble Mr. Ashraf Ali Khan Chaudhury to Rangpur. We went to see the District Magistrate—the District Magistrate is an European whom I happened to know before, and I knew also that if I could make out a good case he was not the man to shirk his duty but would bring the offenders to justice. At first when we went and told him what had happened he would not believe me. He said 'I am the District Magistrate, if there was anything in the district I certainly would have known it. How is it that you gentlemen who came from Calcutta know what I do not know.' I told him what had happened and also why it is that the Magistrate knows little of these things. It is because the District Magistrate seems always to be surrounded with a majesty of authority. To get to him one has to overcome several chaprasis and a lot of mastiffs and grey hounds, and that was the reason probably why people could not approach the District Magistrate. He listened to us very sympathetically and he promised that he would hold some enquiry provided I could give some specific instances. My friend, Maulvi Abul Kasem, took the statements of about 20 persons and we told these people that if these statements were not borne out on enquiry they would be prosecuted under sections 182 and 211. They took the risk of that prosecution. The result was the District Magistrate went into the locality and as soon as he found that these allegations were specific, he held enquiries with the result that he has prosecuted 2 constables, 5 head-constables, 10 chaukidars and half-a-dozen daffadars and also 3 sub-inspectors.

Similarly we heard complaints from Rangpur. My friend, Mr. Asraf Ali, Khan Chaudhury, recorded some statements and he submitted them to the District Magistrate there. Somehow or other nothing has yet been done there, and having regard to the fact that these statements are definite allegations, I gave notice of a resolution, requesting the appointment of a committee to enquire into those allegations. Unfortunately I was unable to be present that day and my friend Maulvi Abul Kasem moved that resolution on my behalf, but the resolution was not accepted. I put this question without prevarication to Sir Henery Wheeler ? Was it not the duty of the Government to accept that resolution without comment ? We wanted an enquiry and we wanted some responsible officer to hold that enquiry. Was it not also the duty of Government to hold the enquiry in the interests of the Police Department itself, to justify the action of

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the police and to show that the allegations that we made were unjustifiable? The attitude however taken by the Government was this; as soon as the notice of that resolution was given instead of looking into the fact whether those allegations were well-founded or not. Government took up an attitude of definite obstruction and constituted themselves guardians or trustees for the police. I submit that this is not the right attitude to take up and the result of this is that the police think that they may commit oppression in the villages, even though their action may be challenged in the Legislative Council in the presence of Your Excellency They get an idia that they are safe so long as they can get the Superintendent of Police duped, and so long as they can convince the District Magistrate that they are doing nothing wrong, they can do whatever they like and there is no earthly power to challenge their actions. I, therefore, think that Government unnecessarily shows sympathy where sympathy is inadvisable and often misplaced. Secondly, My Lord, we are told there are very many undesirable things, with regard to police administrations and Sir Henry Wheeler has told us that very many of these undesirable things will disappear if only we had the money. I submit that better pay may obviate some of the difficulties of the present day, but it will not get over all the difficulties, nor would a mere increase of pay render the police officer more honest. I will cite, My Lord, one instance of a personal character. I have got two houses in Calcutta—one in which I hold my office and the other in which my family lives. One member of my family fell ill and I sent my servant to fetch me some money from my office in order to pay the doctor. The man went running breathlessly because he knew the necessity was urgent. He was challenged by a constable; he told the constable that he was my servant and his particular purpose, still the constable accompanied him, came to my clerk to verify his statatement, but inspite of that the servant was dragged to the thana and kept confined till the next morning. I complained about that constable to a sub-inspector but I found that he was not particularly prepared to prosecute or to punish him because it was a trifling matter. As I did not want to create a scandal I did not carry the matter further. I ask you if that constable who behaved towards my servant in that way would be a better officer if he was paid Rs. 25 a month instead of Rs. 12, certainly not. The reason is this: the constable knows that whatever he may do, if he can only get the *bara sahib* to back him, he can defy the whole world and with impunity. Lastly, there is another reason why the police are corrupt and continue to be corrupt. I do not hesitate to say that the practice of declining to hold enquiries even when Government have been cognisant of the fact that these people are corrupt. Mr. Beatson Bell knows more than anybody else that in the district of Bakarganj a police officer is required to keep a hired boat throughout the year. It is essentially a river district, and a police officer who does not keep a boat cannot do his touring. A sub-inspector gets some Rs. 50 or 60 as boat allowance on an average but he has to pay for boat hire Rs. 60 or 70—this is the usual charge for a *kosh* boat. Therefore the amount he gets from Government as allowance is not sufficient to keep a boat, and he has got to pay for other things besides. But every body knows that a police officer in Bakarganj lives in a style which is not possible for a man who draws Rs. 40 or 50 a month. How is that a police officer can live beyond his means?"

[At this stage the bell rang as the time limit had expired. The Hon'ble Member resumed his seat.]

The Hon'ble SIR HENRY WHEELER said:—

"Sir, I scarcely think that the remarks of the Hon'ble Member who has just spoken, have any relation to the Financial Statement; and I, therefore, do not propose to follow him into much of what he has said. As, however,

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he has asked me a direct question on one point, may I shortly answer it, especially as, not having been present at the meeting to which he refers, he has given the Council an account of what took place, which, I submit, would be recognised by all those who were here as entirely misleading. I gather that he takes exception to our attitude towards a recent resolution regarding *hat-looting* cases on the ground that we refused an enquiry. The whole force of the argument which I then placed before the Council, was that the moment we heard of these allegations we directed our officers to make enquiries; enquiries were in fact made in all districts in which specific charges had been brought, and whenever there were reasons to believe that police officers had been guilty of misconduct they were prosecuted and punished. This fact is entirely inconsistent with the Hon'ble Member's reference to the police as 'spoilt children' of Government."

The Ho'nble BABU SURENDRA NATH RAY said :—

"My Lord, I wish to say only a few words in reply. There is a general impression that my resolution seeks to curtail expenditure on police. As a matter of fact what I meant to say is this: for the last five years there has been an increase under the head 'Police' by about ten or twelve lakhs. Again this year we find that it has increased by fifteen to sixteen lakhs. I have already told the Council that this increase is not justified because there has been law and order in the land for the last twelve months. Where is the necessity for an increased expenditure by nearly fifteen lakhs again this year? Why go on increasing the expenditure under this head—some recurring and some non-recurring? If there was disorder in the land, I would have been the first to support this heavy expenditure; but I do not find any necessity for it now. There must be a limit to everything—limit even to expenditure by Government on the police. But instead of that they are going on increasing the expenditure every year. If a good portion of the Government income is going to be spent on the police, I am afraid very little will be left for other necessary expenditure. Let us be told once for all where you are going to put the limit—what is going to be the total expenditure on police, so that we shall know where we stand. This is all I have to say in reply."

The resolution was then put and lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXV.

The Hon'ble MAULVI ABUL KASEM moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 1,50,000 be provided for the establishment of hostels for Muhammadan students outside Calcutta and Dacca; and

(b) the sum be met out of the funds provided for the construction of steam launches for the River Police in Eastern Bengal (1 lakh) and for River patrol in the Calcutta Police (Rs. 50,000).

He said—

"My Lord, the want of hostels for Muhammadan boys has been felt for a very long time, and it was my privilege, and I may add my misfortune, to move a similar resolution in this Council on two previous occasions during the discussion of the Financial Statement, and I am afraid that this year also I am moving it with no better hopes of success. In this resolution I ask for hostels for Muhammadan students not only because I happen to represent a Muhammadan constituency, but because I feel that it is indeed to the general interest of the country that Muhammadan education should advance and progress at a more rapid rate than it has done in the past and is doing at present.

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Mr. Ashraf Ali Khan Chaudhuri.

Muhammadans are said to be handicapped and a dead weight in the progress of the country at large for want of education. Whenever we ask for better representation on Local-Self Government bodies, or representative institutions, or assemblies, or in the public service we are generally told sometimes in a patronising way that the Muhammadans should educate themselves better before they could claim better rights and privileges. We now ask for better opportunities for educating ourselves and for the progress of education. I at any rate expect the sympathy of Government and the Department of Education. I do not care from what allotment the fund is to be provided. We have said enough and more than enough on the expenditure on police, and everybody has tried to draw out of the police fund and the allotment for the partition of Mymensingh and Midnapore, simply because by a study of the Financial Statement we have found that these two items only are likely to be available for more urgent schemes. My Lord, everywhere the officers of the department go on inspection, they have felt that the want of a hostel for Muhammadan boys is very keenly felt and that a hostel is demanded everywhere by the people of the locality. We were told yesterday by the Hon'ble Member-in-charge of education that it would not be reasonable to have a Muhammadan College at the present moment, when the University Commission was sitting, and I therefore ask that the Government may be pleased to provide funds for the establishment of a Muhammadan hostel outside Calcutta and Dacca, as besides Calcutta and Dacca the other districts are not likely to be affected by the results of the University Commission whatever form these recommendations may take. I am afraid there is very little chance of this resolution being either accepted or carried, and I am only moving it in the hope that it will meet with a sympathetic consideration of the Department and that attempts at any rate will be made to provide for the establishment of hostels in the next year's budget. With these few words I beg to move the resolution which stands in my name.

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI said :—

My Lord, I rise to support the resolution moved by my friend, the Hon'ble Maulvi Abul Kasem, in the hope that even if the resolution be not accepted in full, it will receive a sympathetic treatment. It might not be accepted as regards as the amount asked for—but a lesser amount may be provided. We have very reasonable ground for asking this? Now that we are not going to have a Muhammadan Arts College in Calcutta, the students are bound to remain in the districts where there are colleges but no hostels. In the districts the students do not hire houses and mess together but they are obliged to apply the charitably inclined gentlemen of the locality for their accommodation. We do find in some districts that the people are trying to raise funds for the erection of hostels, but they fail to realise a large amount because the Muhammadans are generally very poor. In the district of Rajshahi, where I come from, there was a Muhammadan hostel only for college students. In 1905 when Sir Bampfylde Fuller went to inspect the Rajshahi College the Muhammadan community prayed for a Muhammadan hostel and the first question he asked was whether we would be able to fill it up. I may tell the Council that as soon as the hostel was built it was filled up—there was accommodation only for 125 students. This resolution may be opposed by Government on the ground that if we build hostels in districts they might not be enough students to fill them up. What I would ask them to do is not to build big hostels in every district but to build small hostels to accommodate, say, some 12 students. And then if we find that there are more students seeking accommodation in hostels we might extend the building. We might also induce charitable people to subscribe to the building fund. Another reason which might be urged by Government is that funds are not available. I would only say that if it is not possible to give us much give us something. I do not

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Mr. Wordsworth.

care from what head the money may be deducted, but what I ask for is that less urgent schemes should give place to more urgent ones, as this resolution asks for an urgent need to be supplied funds may be provided from less urgent schemes.

The Hon'ble MR. WORDSWORTH said :—

"My Lord, I think it will satisfy the Hon'ble Members who have moved and spoken on this resolution, if I state briefly what has been done recently and what we intend or hope to do in the immediate future. The resolution Nos. XXV and XXVI deal with the same subject but with a territorial division. The Hon'ble Members in charge of these resolutions do not mean to suggest that Government has a different policy for the mufassal and for the two capital towns, and it will be convenient, if, in my brief survey, I deal with the matter as relating to the whole province. There is this difference in our attitude, though not in policy, towards schemes for the mufassal and for Calcutta, that we have always been and always shall be ready to recognise the special urgency of difficulties in Calcutta, because of the concentration of students in Calcutta. We have recognised this in the last three years, and the figures that I have collected are those :—

In 1915-16, we spent Rs. 2,64,000, on the three Muhammadan hostels —the Baker, the Taylor and the Carmichael hostels.

In 1915-16, we spent Rs. 1,27,000, on the Baker and Carmichael Hostels.

In 1917-18, we spent Rs. 41,000, on the Baker and Carmichael Hostels.

This, so far as we have information, has met the requirements of Muhammadan students in Calcutta for the time being; at least no representation has been made to the Director of Public Instruction as to any further needs of the community in this direction, and as a member of the Syndicate and as one who has every opportunity of being cognizant with the work of the University, I am able to state that no representation has been made to the University, which is primarily interested in hostels for colleges. Another small piece of evidence I may mention in this connection. Some years ago there was a Muhammadan mess attached to the Presidency College, but that mess has not existed during the two years that I have been Principal of that College, and no representation was made to me during this time of the desirability of providing additional accommodation for Muhammadan students of the College, although we have on the Governing Body a very prominent Muhammadan gentleman who is well acquainted with and competent to speak for the needs of his community. I think, therefore, we may take it that the urgent and immediate needs of the community have been satisfied. In regard to Calcutta these three Muhammadan Hostels accommodate—

Taylor Hostel	73
Baker Hostel	184
Carmichael Hostel	200

making in all 457 students. In the mufassal, we have spent in the same years—

	Rs.
1915-16	24,000
1916-17	36,000
1917-18	44,000

The difference in figures is due to the fact that there is not the same concentration in the mufassal centres, that hostels are smaller and buildings less expensive.

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The whole policy of Government, in this matter, was reviewed recently and in the Government resolution of the 3rd August, 1916, the Muhammadan community were addressed in these terms :—

"As regards hostel accommodation, His Excellency desires that Muhammadans should be in as favourable a position, and have the same facilities, as Hindus, and he therefore accepts the principle that Government should establish hostels for Muhammadan students in Government high schools, where their number is sufficient to call for separate accommodation. This, however, is entirely a question of the funds at the disposal of Government, and for financial reasons it cannot be adopted generally. In other than Government high schools, the provision of hostels for Muhammadans must, as in the case of Hindus, be regarded as a fitting object for private munificence rather than for the expenditure of public funds, though Government will continue to give grants to supplement private contributions."

I have explained what has been done in this connection, at least the outlines of the policy of Government. Under that policy, we are proceeding with the building of hostels for Muhammadan pupils in Government schools and are considering grants-in-aid for Muhammadan hostels of other high schools. We have in hand schemes for the establishment of Muhammadan hostels for six Government schools in the mufassil, one for a Government College and one for a Normal School. For non-Government institutions, we have under consideration, and are pressing forward, schemes for seven Muhammadan hostels attached to high schools. As I have indicated already, these schemes are dependent on circumstances and acceleration is not always in our power. But I can assure the Hon'ble Members who have spoken on this resolution, that we are doing and shall do whatever we can to expedite these schemes, and that if any other schemes are put up and brought to our notice, we shall do our best to expedite them. But as we are situated at present, we do not believe that we can get through more in the next 12 months than those schemes that I have outlined above, and I oppose the resolution on the ground that we cannot budget for schemes that we do not expect to be able to carry out.

The Hon'ble MAULVI ABUL KASEM, said :—

"My Lord, I have to express our thankfulness to the Hon'ble the Director of Public Instruction for the sympathetic attitude that he has taken up with reference to the question of Muhammadan hostels in the mufassal. His remarks about the accommodation of the Muhammadan students in Calcutta hostels does not affect my resolution and I would leave them alone. I am glad to hear that the Department of Education is prepared to consider any scheme. But there have been no dearth of schemes which, however, either for lack of funds or for some other reasons, could not be pushed through. I cannot speak with much experience of other district towns, but in my district of Burdwan we have got a scheme for a Madrassah in the interior of the district and another for a non-collegiate hostel at Burdwan. Mr. Hornell visited the place in 1916. It was proposed that the Inspector of Schools should come and see things for himself and then send a report to Government. But within the last two years the Inspector has not found time to visit the places, although he has found time to visit Suri several times and also Burdwan in connection with other matters. I now learn that the Assistant Director also will not have much time to inspect these places. I have taken the assurance of the Director of Public Instruction and beg to withdraw the resolution, especially as there is no help for it."

The resolution was then, by leave of the President, withdrawn.

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Maulvi A. K. Fazl-ul-Haq.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXVI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a lump provision of Rs. 1,20,000 be made for the construction of new and the improvement of existing hostels for Muhammadan students in Calcutta ; and

(b) the expenditure be met in the following manner :—

(i) Rs. 1,00,000 to be taken out of the grant for Calcutta Hostels (Budget provision—Rs. 3,39,000) ;

(ii) Rs. 20,000 to be taken out of the lump provision for the construction of steam launches for the River Police in Eastern Bengal (Budget provision—Rs. 1,00,000).

He said :—

"My Lord, I do not wish to say many words in support of this resolution, because this again is one of our 'hardy annuals' and hardly any year had elapsed when some one had not given notice and discussed a resolution of this character. It is not necessary for me to demonstrate the necessary of hostels for Muhammadan students in Calcutta. It is admitted that the necessity does exist but the Director of Public Instruction seems to think that so far, at any rate as Calcutta is concerned the urgent and immediate needs of the community have been satisfied. I am extremely obliged to him for his sympathetic reply in connection with the resolution which has been moved by the Hon'ble Maulvi Abul Kasem, and I can assure him that his sympathetic words and his promise to do all that he can possibly do, have disarmed all hostility that we could possibly put forward. I do not think it will serve any useful purpose for me to press this resolution, if only the Director of Public Instruction will take the trouble of repeating the promise in so far as Calcutta is concerned and if in the near future we go up to him with cut and dried schemes for the establishment of Muhammadan hostels in connection with the colleges, he will try to give our proposals the consideration which they demand.

As regards the remark of the Director of Public Instruction that some of the messes attached to colleges, as the Presidency College, have been dissolved, I would like to point out that the inference he draws from it that there is no necessity for a mess of that character is not quite justified. If he will just look over the statistics of the number of Muhammadan students in Calcutta—I find roughly speaking there are some 1,500 college students including students in the Law College not more, a little more than half of that number is accommodated in the Elliot, Baker, Carmichael and Taylor Hostels. Making allowances for the students in attached messes there still remain a residue of about 600 or 700 students, some of whom live with so-called guardians, but I can assure the Director of Public Instruction that I know also of students who are living in most undesirable surroundings—boys prefer to live in places where they can be as free as possible and they fight shy of hostels and messes where there is some sort of supervision ; they let their guardians know that there are no available seats in the hostels or messes. They try to shelter themselves in most undesirable messes and some how or other manage to hoodwink the institution by making them believe that they are living with guardians. That accounts for a large number of students who live in undesirable surroundings and if we had hostels we could get hold of these boys and put them in the hostels. The fact that a mess does not exist shows that there has been something wrong in the management or that the boys try to fight shy of messes for reasons best known to themselves. From the mere fact that the Presidency College mess did not exist, the inference could not be drawn that there was no urgent or immediate

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necessity for a mess for the students of that College. I shall say nothing more and I am perfectly willing to leave the matter entirely in the hands of the Director of Public Instruction. I understand that he is going to say a few words so far as the Calcutta mess is concerned, so I do not wish to take up the time of the Council any further."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, I think I need not repeat the figures that I gave about Calcutta. I wish only to refer to the Hon'ble Member's criticism of my inference from the disappearance of the one particular mess. I merely gave it as one of many indications that led me to the view that there is no great demand at the present moment for hostel accommodation for Muhammadan students in Calcutta. I have been for sometime Principal of a big Government College, I have been connected with the administration of the Calcutta University, I have been a member of the Governing Bodies of one or two Government and non-Government Colleges. I have had ample opportunities of getting into touch with Muhammadan students and with the leaders of the Muhammadan community. In our own department, we have a branch which exists specially to learn and satisfy the needs of the Muhammadan community, and not from one of these directions has it been suggested that any real difficulty obtains in the matter of accommodation for Muhammadan students in Calcutta. Obviously, I cannot accept the argument that because students may have outwitted the Inspector of Messes, they, therefore, deserve or require special consideration in the way of hostel accommodation at Government expense. Messes are not so popular as hostels for obvious reasons; but if students disdain to accept whatever humble assistance authority has been able to offer them, if they evade discipline and defy regulations, we can not well be expected to accept an argument of this kind as a reason why we should regard their needs as specially pressing."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, as I have already stated, we are quite satisfied with the statement that was made by the Director of Public Instruction that that department is doing all that can be done. Representing the Muhammadan constituency we feel it our duty to discuss these matters from time to time. With these few words, I ask Your Excellency's permission to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXXV.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a lump provision of Rs. 24,000 (twenty-four thousand), or as much as may be necessary, be made in the Budget for the improvement of the Civil Court Buildings at Perozpur (Bakarganj); and

(b) the expenditure be met by taking the amount from out of—

(i) the provision of Rs. 45,000 for the reconstruction of Police headquarters in the Northern Division of Calcutta;

(ii) the provision of Rs. 60,000 for Minor Works (Police) in the mufassal; and

(iii) the provision of Rs. 15,000 for Minor Works (Police) in Calcutta,

either by revision of estimates or by curtailing the expenditure on these three items by 20 per cent.

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He said :—

"My Lord, I moved this resolution on two occasions. The Hon'ble Mr. Beatson Bell knows all about the case. I believe these buildings were built when he was in the district himself. The sum to improve these buildings will not be very heavy, and I submit that in view of the fact that this improvement is very much needed, Government will see their way to accept the resolution."

The Hon'ble MR. PANTON said :—

"My Lord, I share with the Hon'ble Mover the regret that people who have to use the Perozpur Courts should still have to undergo this inconvenience. But I am inclined to think that the Hon'ble Member has rather exaggerated the necessity for improvements, because I understand that the buildings of this Court are of a type that is prevalent in that part of the country, and what people experience in the buildings they experience in a very large number of other buildings in that part of the country. But at the same time Government themselves recognize the necessity for improvements and for that reason they have had a scheme prepared for the improvement of the existing buildings which is estimated to cost Rs. 88,000. That is one of a number of schemes for the improvement of judicial courts. A large number of these schemes were prepared and we are only waiting for funds to put them into execution. In a matter of this sort we cannot proceed in a haphazard way. This particular scheme is one of five for the district of Bakarganj. We must take all these cases systematically and as soon as funds are forthcoming the work will be taken in hand. For this reason I am unable to accept the resolution of my Hon'ble friend, but I would say this that the proposal—so far as the buildings are concerned—has the sympathy of the Government and it will not be lost sight of. Perhaps after this assurance, the Hon'ble Member will not press his resolution."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"After what has fallen from the Hon'ble Mr. Panton I do not wish to press this resolution."

The resolution was then by, leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXXVII.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(*a*) the Dispensary Fund for the Raja P. N. Ray Charitable Dispensary at Rampore-Boalia be exempted from paying the monthly contribution of Rs. 290 on account of the Assistant Surgeon in charge of the said dispensary; and

(*b*) the amount be met from some item under head "24A—Medical".

He said :—

"My Lord, in this resoultion I pray for the exemption of the Dispensary Fund for the Raja P. N. Ray Charitable Dispensary at Rampur-Boalia from paying a monthly contribution of Rs. 290 on account of the Assistant Surgeon in charge of the Dispensary. This is a local fund dispensary under class III-A of the Dispensary rules and deals directly with the Treasury with the charitable fund and a grant from the Rampur-Boalia Municipality. The fund is so very limited that it cannot manage to have even the minimum opening or working balance. A Lady Doctor is provided, year after year but the provision being inadequate no appointment can be made, and this saving is utilised as the closing or opening balance. Though it is situated in a

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municipality, the municipal fund does not take the full responsibility, and the District Board is often appealed to and its special help is obtained on the ground that large number of persons residing without the municipal jurisdiction are benefited by it. It will be a surprise to the Council to learn that though this Municipality spends over Rs. 1,500 a year over diet money the number of indoor patients being always over 30, it is obliged to manage the dieting of the patients with 6 pice a day. The special circumstances justifying special concession to this Dispensary are that the Assistant Surgeon in charge has to perform a large proportion of Government work which is very heavy here ; he therefore, cannot be expected to perform all the duties of the Dispensary which he could have performed otherwise. The Government also are obliged to depute generally a Sub-Assistant Surgeon to do the Dispensary works for the Assistant Surgeon. This is a very useful Dispensary. The District Board is obliged to grant Rs. 1,000 a year for quinine alone. Under the circumstances it is but reasonable that Government should come to its relief in the way suggested. I hope the Council will accept the resolution under the special circumstances of the case."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, this resolution deals with a small local affair, and from the Hon'ble Mover's speech I do not gather that there are any circumstances about it different from those which could be urged in respect of many other dispensaries in this Presidency. The provision of local medical relief is a local obligation. Government, however, lend to local bodies either assistant surgeons or sub-assistant surgeons on the condition that their pay is met by an average contribution which stands now at Rs. 280 for an assistant surgeon and Rs. 52 for a sub-assistant surgeon ; the previous rates were Rs. 290 and Rs. 57 respectively, and these still obtain in certain cases. Government do not make any profit over these transactions ; they merely realise the cost which the entertainment of these men involves. The inadequacy of the pay of assistant and sub-assistant surgeons has often been urged in, and has received the sympathy of, this Council. In recent years, their pay has been revised, and, as a result, the contribution rates just mentioned are higher than those which were at one time required. But it is only reasonable that Hon'ble Members who urge improvements in the prospects of these officers should not try later to shirk the consequent obligation. In fact, in 1898, when the pay of assistant surgeons was enhanced, it was distinctly laid down by the Government of India that the new arrangements were introduced on the understanding that municipal and local bodies should pay at the higher rates.

"This particular case of the Rampur Boalia municipality is not a new one. In 1911, the dispensary got into very bad arrears, and in applying for help they said : 'Let us have an assistant surgeon, but let us only pay for a sub-assistant surgeon.' The Hon'ble Member now goes further and says : 'Let them have an assistant surgeon but do not require them to pay anything.' That is not a position which we can accept. The municipality is merely in the position of many other bodies, and it must pay for the medical assistance which it receives. If it prefers to have a better medical agency (and they were previously offered the cheaper agency of a sub-assistant surgeon which they declined), it is only reasonable that they should pay for such an arrangement.

"In this connection, I would draw the Hon'ble Member's attention to the fact that it was pointed out in 1912 that the local subscriptions to this dispensary only amounted to some Rs. 300 or Rs. 400. The Hon'ble Mover could assist the dispensary materially by exerting his local influence to secure greater popular support to the institution."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I am sorry that I could not explain clearly the situation. There is a charitable fund and it goes by the name of the Raja P. N. Ray

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Dispensary Fund, but that fund is not enough to maintain the Dispensary. It is therefore obliged to come up to Government and sometimes to the District Board for assistance. There is also a special circumstance connected with this matter. The Assistant Surgeon in charge of the Dispensary has also to perform good deal of Government work, as the work of the Civil Surgeon is very heavy. In that view of the matter, I asked that some Government contribution be made. I know of course that on account of the increment of the pay of Assistant Surgeons, the charge has been raised and I have nothing to say about that. I only appealed for certain help under the peculiar circumstances I have explained. I hope that something may be done, as although the Dispensary pays a heavy charge for the pay of the Assistant Surgeon, it does not get his services for the whole time. For these reasons, I urge that your Excellency's Government will consider this matter."

The resolution was then put and lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXXVIII.

The Hon'ble MAULVI ABUL KASEM moved the following Resolution :—

This Council recommends to the Governor in Council that out of the recurring assignment of Rs. 5½ lakhs for the development of primary education Rs. 50,000 be allotted for the extension and improvement of Maktabs and Rs. 50,000 be allotted for the training of Muallims.

He said :—

"My Lord, in moving this resolution I think it necessary to mention that these Maktabs are primary schools where the introduction to the ordinary subjects of study in such schools a little bit of Urdu and Arabic is taught. Therefore these institutions are more costly than ordinary primary schools; and a scheme, which is now known as the Earle Scheme, was formulated at the time of Sir Archdale Earle when he was Director of Public Instruction of Bengal. By this scheme it was said that these Maktabs would get 50 per cent. of the grant-in-aid more than ordinary primary schools. A Government resolution was issued approving the scheme, but unfortunately for want of funds, effect has not been given to that recommendation of Sir Archdale Earle. Latterly, the Department has abolished the distinction between Maktabs and primary schools, classing them under the head of primary schools. The result of this is that these Maktabs are not getting that amount of grant-in-aid encouragement which they deserve and which they ought to get according to the sanction of Government. I think that an opportunity will now be taken of the Imperial grant of Rs. 5½ lakhs in furtherance of primary education to improve the position of these primary schools and to put them in a more flourishing condition. I believe that this demand on my part is a very modest one, especially in a province where the Muhammadans form a majority of the population. The difficulty in the case of the Muhammadan community is that they cannot send their boys in their early days to the ordinary schools, simply because they feel it absolutely necessary that their children should receive during their tender years some sort of religious education which will make them understand their religious principles, at least the religious rights and ceremonies.

My Lord, I have also asked for a further grant of Rs. 50,000 for the training of Mualims. We cannot make those Maktabs useful institutions unless we have got trained Mualims. A good deal has been said about the utility of training teachers. On behalf of the Department, and I need not repeat what has been said, I can only say that there are a few trained Mualims in this Presidency and that more are wanted for Eastern Bengal. Additional classes in ordinary *guru*-training schools will be more useful. Whatever may be the nature of the institution, it is absolutely necessary that a large number of Mualims to run these Maktabs should be organised and started in order to popularise education amongst the Muhammadan community. I move this

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resolution, at any rate, with the hope that it will be accepted by the Government. A similar resolution moved by me last year was accepted by then Director of Public Instruction. As my present resolution does not interfere with any amount allotted for any purpose, I have hopes that it will be accepted."

The Hon'ble MR. O'MALLEY said :—

My Lord, I am afraid that Government is not in a position to accept this resolution. The reason is simply that no orders have yet been received from the Government of India about the objects on which the new recurring assignment is to be spent and the terms attached to it. We have no information beyond the brief reports of the Budget debate in the Imperial Legislative Council which have appeared in the daily newspapers. If the report of the speech of the Hon'ble Member in charge of Education in the Government of India, Sir Sankaran Nair, is correctly reported, the grants made to the different provinces are intended for the extension of primary schools on the present voluntary footing. This would seem to imply that the grant is to be available for increasing the number of schools, but not for increasing the pay of teachers like the nine lakhs grant given last year. Trained teachers in aided maktabs have already benefited from the nine lakhs grant, and we have also made proposals for the training of *muallims*, as well as *gurus*. This will require the sanction of higher authority and that sanction has not been received. Pending receipt of sanction, I have no doubt that the Education Department will make adequate provision for any increase in the number of *muallims* who offer themselves for training. At present, therefore, Government cannot undertake to earmark any definite sums out of the new assignment.

It is quite possible that the Local Government will not have a free hand in this matter. In the case of the nine lakhs recurring assignment made last year the Government of India required the Local Government to submit proposals for the distribution of the grant before any expenditure was undertaken. Government is not aware whether any such condition will be made this year. I would only ask the Hon'ble Mover to accept the assurance that, subject to the instructions of the Government of India, the claims of maktabs will receive full consideration in common with those of ordinary secular primary schools.

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, I beg to withdraw this resolution in view of the statement made by the Hon'ble Mr. O'Malley. I would only like to say that these Muktabs are secular institutions and not religious schools ; there is only some instruction given which help Muhammadan boys to get some sort of preliminary education. I hope and trust that if the Government of Bengal send up a scheme to the Government of India, the question of the training of Mualims will receive adequate consideration."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XXXIX.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(*a*) a lump provision be made for raising the pay and prospects of the lecturers who are engaged in teaching up to B.A. and B.Sc. courses both Pass and Honours either by including them in the Provincial Educational Service or by granting them a special allowance ; and

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(b) the amount required for giving effect to this resolution be met from the undistributed Balance of the Imperial Grants of "Lump Grant" and "Further Grant" for Education under head "22—Education" and from General Reserve under head "32—Miscellaneous."

He said :—

"My Lord, this resolution speaks for itself. Those lecturers in the Subordinate Educational Service, who are engaged in teaching up to B. A. and B. Sc. Courses, both Pass and Honours, for several years, deserve promotion. These lecturers, we can take it, have been found competent to discharge the duties entrusted with, to the satisfaction of the higher authorities; otherwise they would not have been allowed to remain in that position. They naturally expect that whenever there is any vacancy in the Provincial Educational Service they would be promoted. But instances are not rare when their just claim has been overlooked and they have been superseded by their inferiors. I can at least point out to a recent case of such promotion in the Chittagong College and another in the Chittagong Normal School. The recent arrangement of making appointments and granting promotions on the recommendation of the Governing Body of the College in which the vacancy occurs is, no doubt, responsible for this, but I cannot understand why the general question of promotion should be decided on the recommendation of a particular governing body. Though it is but natural that the local claim and recommendation are given preference in such cases, the Director of Public Instruction should be the proper authority to consider the claim of all his subordinates independent of any local consideration. To my mind grave injustice is being done in overlooking the claims to promotion of these hardworking and meritorious officers.

In reply to my question on the subject it has been stated that the claims of these officers would be considered at an early date. I have, therefore, thought it proper to raise the question with a definite proposal for granting some relief to these deserving officers. The revised Budget provision for education shows a saving of about 17 lakhs this year, so there cannot be any difficulty in finding out the money required for the purpose. With these few words I commend this resolution for the acceptance of the Council."

The Hon'ble Mr. WORDSWORTH said :—

"My Lord, the explanation with which the Hon'ble Mover has supported his resolution was a clear and able analysis of the situation as it would be if it were exactly as he has allowed himself to be persuaded that it is.

I offer this criticism in friendliness and believe that it will be accepted in friendliness. The arcana of educational administration with its grades and services are not easy to follow, and the Hon'ble Member does not appear to have been well served in information by those whose cause with his unvarying tenderness of heart he has set himself to champion. The case of these officers has been put forward on various occasions and in various ways and there are in the department petitions from all or most of these officers, which it has not been possible yet to dispose of because the recommendations of the Public Services Commission, though they do not touch the Subordinate Educational Service, nevertheless touch College education in a way that may ultimately change the position of these officers. I would, therefore, crave the indulgence of the Council, if I deal with the matter at some length because this is a convenient opportunity of illuminating—if I can illuminate—a subject which has been made difficult merely because its simplicities have been lost sight of. It was decided long ago that college staffs should be composed of two classes of officers, professors, doing responsible work and holding a responsible position, and assistant professors, who might be regarded as assistants in the sense of doing less responsible work and of looking to the professors for guidance. These assistant professors came into existence and

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have remained in existence in our Government Colleges under another name, namely, lecturers Professors, if Indians, are usually in the Provincial Educational Service, enjoying the pay and status of that service, and lecturers are placed in the Subordinate Educational Service, usually in the grade of which the pay is Rs. 125, and have the status of that service. Thus there are two classes of officers, distinct in responsibilities, status, duties, and pay. But in course of time the distinction of reponsibility has largely been lost sight of. There are various reasons for this, one of which is the economic reason. The lecturerships though not so attractive as professorships, nevertheless compare not unfavourably with professorships in private colleges and in the matter of prospects, compare favourably with those in the majority of private colleges. Thus when a lecturership is vacant we get a large number of applicants, many of whom may be fit for a superior appointment which, however, they have been unable to obtain. The Director of Public Instruction or the Principal of the College, or the Governing Body, is quite justified in appointing to any post the best man who applies and if a man applies and is appointed as a lecturer, whose qualifications might secure a professorship if such a post were available, then I think we may reasonably recognize his disappointment, but I do not think we can be called upon to recognize anything else. In many cases it has come about that these lecturers have been allowed to take part in the more responsible work because they are qualified for it and because as a rule it has been a pleasure for them to do so. Also although it was originally contemplated that these lecturers should be regarded as subordinate to the professors, and to some extent take their instructions or at least receive suggestions from the professors, it has been found that there is in practice subordination only as between the members of a staff and their Principal. We have, therefore, approximated to a position in which lecturers and professors are doing the the same kind of work and the Hon'ble Member's resolution proposes that we snould recognize this approximation by administrative action at the cost of the Indian tax-payer. The lecturers have pressed this for some years, and a petetion from them still remains undisposed of, as the proposals of the Public Services Commission, relating to educational officers, are still under consideration.

The Hon'ble Member has suggested, and at other times I have heard it said, that the promotion of these lecturers to the superior service is a matter both of justice and utility We may frankly recognize the disappointment, we may sympathise with the disappointment, of men who, considering themselves fit for higher appointments, have, through the accidents of life, succeeded in obtaining only the subordinate posts. We may sympathise with them, but I think we should be misrepresenting the case if we lent ourselves to any discussion in which the word "grievance" played a large part. The use of the word "grievance" suggests that the employer has failed in his duty and that there has been a breach of faith. This, on behalf of Government, I repudiate. These lecturers hold appointments which they have sought. They have never been given an assurance that they will receive promotion to a higher service. Even if they are doing duties expected from men in the higher service, as they are doing in some places, it is their pleasure to do them. I submit that there is no case for action of the character proposed. To promote a number of officers merely because they are disappointed, would be an injustice to the general tax-payer.

I now turn to the argument about utility and I would first repudiate the argument which the Hon'ble Member has not advanced but which has been used elsewhere that the general promotion of these officers in the way suggested would be a public utility because it would remove their dissatisfaction and so increase their efficiency as public servants. If a man having deliberately sought and obtained a particular appointment is unable to do his best work in that appointment through dissatisfaction at not having

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obtained a better, he should be dealt with otherwise than by promotion. There is, however, another aspect of the case. It may be urged that the work of our Colleges has so grown in importance that it is necessary in the interests of higher education that there should be a larger number of officers of superior status, superior position and superior responsibility, and a less number of men of less status and less responsibility. That is a matter about which there may be difference of opinion and it is on that ground, when the time comes, that the whole case will be considered. but as I have already indicated we cannot at present deal with the case of these lecturers because the question of the reorganization of our colleges is now under consideration. More than that I cannot say. It may be necessary to change some of these lectureships into professorships, to abolish some less responsible appointments and establish some more responsible appointment but I would remind the Hon'ble Member that this is not necessarily the same thing as promoting these lecturers to professorships. Appointments in Colleges are now made in effect by Governing Bodies and when a Governing Body has a professorship to fill it will be its duty to make the best appointment in the interest of the College. A Governing Body will naturally give full consideration to the claims of these lecturers, but if a better candidate is forthcoming from any other quarter it will be its duty to select him for appointment. In this connection I may say that I have been the Principal of the Presidency College, I have served on the Governing Bodies of various Colleges and I have had considerable experience of the work of the Director's office, and I can assure the Hon'ble Member that wherever a College has a post of professor vacant the first care of its Governing Body is to consider scrupulously the claims of all lecturers already in the service of the Department. They are entitled to consideration, and they receive it, but it must be emphasised, because it is frequently forgotten, that a claim for consideration for an appointment is not the same thing as a claim to secure the appointment. They receive that consideration, and a lecturer, who is well qualified and has proved capable and zealous, has a reasonable prospect of selection for the higher service. The Hon'ble Member has pointed out that some of these lecturers are doing the same work as the professors of a superior status. It is true also that in qualifications they are sometimes no less well-equipped, though in general they are less well-equipped. Yet they receive full consideration for vacancies that occur and the figures that I have looked up show that during the past three years, four lecturers and demonstrators, as the corresponding officers on the science side of colleges are called, have been substantively promoted to the Provincial Educational Service and 23 have received officiating appointments. I hope, My Lord, that I have made it clear to the Council that what we have to deal with is not a case of legitimate grievance, but a case of disappointment with which we all sympathise. We are asked to remedy the inequalities of life by administrative action. Even if all our lecturers were equally qualified with our professors academically and in zeal and utility this action could not be regarded as called for on that account. The complexities of human life do not ensure the same material reward to all who are equally qualified academically or in other ways. But even if we were in a position to remedy the inequalities, which we are now asked to remedy, we should still be far from finality. If of brothers equally well qualified one might be so fortunate as to secure an appointment of professor in the Provincial Educational Service and another less fortunate secures an appointment as lecturer in the subordinate service, still a third failing to obtain either of these, might have to satisfy himself with the more arduous post of teacher in a Government school on the pay of Rs. 50, rising progressively to Rs. 250. Administrative action can never remedy such inequalities of fortune.

Finally, I may refer to a recent discussion in this Council on a resolution moved by my Hon'ble friend, in the course of which the Hon'ble Member

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Babu Kishori Mohan Chaudhuri; The President.

in charge of education, stated that an enquiry will be made as soon as possible about the desirability of reorganizing the Subordinate and Lower Subordinate Educational Services. Pending such enquiry it appears undesirable to consider this special case in which only one class of officer in the subordinate service, and that not the most unfortunate, is concerned. For these reasons, My Lord, I oppose the resolution on behalf of Government.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I am extremely sorry for the attitude taken by the Hon'ble Mr. Wordsworth. I remember well I was assured on another occasion that the case of these officers will be taken into favourable consideration at an early date and, I hoped and still hope that it would be done as early as possible. It is somewhat consoling to me, however, that the same assurance has been given to me again by my Hon'ble friend that their case would be considered at no distant future. But the thing is this, I do not say that because they are dissatisfied something ought to be done for them. Everybody may want special consideration and promotion, but it is not for that that I am urging their case. The fact is if they are made to do the same kind of work as the members of the Provincial Educational Service, they naturally think they should be entitled to the same consideration. It may be that when they were hard pressed and when there were no vacancies in the Provincial Service, they were obliged to accept the posts that were offered, but when they are asked to do the same kind of work as the Provincial Service men do, they naturally hope that special considerations would be shown towards them. I take it that these officers have been doing the superior work creditably, otherwise they would not be retained in their posts. But I submit that if proper remuneration is not given for the work they do, it will have a demoralizing effect on them. Whenever there is a vacancy, the Governing Body of the College, I understand, are only inclined to recognize the claims of the professors who are serving under them directly. In case of a new appointment, I understand, the presumption is that it is not left with the Governing Body to fill the post. I understand that a Government circular has issued to the effect that the claims of those who have rendered good service should be considered when any new arrangements are made. In the Subordinate Service too the claims of those who are doing superior work should be considered, at least when occasion arises. However, after the assurance of the Hon'ble Mr. Wordsworth, I do not press the resolution and I beg to withdraw it."

The resolution was then, by leave of the President, withdrawn.

The PRESIDENT said :—

"We have now finished Resolution No. XXXIX and there are still 10 resolutions standing on the order paper. Unless Hon'ble Members are prepared to speak somewhat more concisely than they have, I think the prospects of concluding the proceedings to-night are not bright; but I am anxious to meet the convenience of Hon'ble Members in the matter of adjournment; and I am quite prepared to continue the proceedings or I am prepared to adjourn, as is most convenient to Hon'ble Members. I propose to ascertain quite informally what the wishes of Hon'ble Members are, by asking them to raise their hands who are in favour of adjournment."

The majority of the Hon'ble Members being in favour of an adjournment, the Council was then adjourned to 11 A.M., on Saturday, the 16th March, 1918, Government House, Calcutta.

A. M. HUTCHISON,
Secretary to the Govt. of Bengal, and
Secretary to the Bengal Legislative Council (Offg.).

CALCUTTA,
The 11th April, 1918.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Saturday, the 16th March, 1918, at 11 A.M.

Present:

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. N. D. BEATSON BELL, C.S.I., C.I.E.

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble LT.-COLONEL W. J. BUCHANAN, C.I.E., I.M.S.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble MR. J. MACKENZIE.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble REV. DR. G. HOWELLS.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

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Babu Kishori Mohan Chaudhuri.

The Hon'ble Mr. Arun Chandra Singha.

The Hon'ble Dr. Deba Prasad Sarbadhikari, C.I.E.

The Hon'ble Rai Debender Chunder Ghose Bahadur.

The Hon'ble Rai Radha Charan Pal Bahadur.

The Hon'ble Mr. F. W. Carter, C.I.E.

The Hon'ble Mr. W. E. Crum.

The Hon'ble Mr. E. B. Eden.

The Hon'ble Maulvi Abul Kasem.

The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri.

The Hon'ble Maulvi A. K. Fazl-ul-Haq.

The Hon'ble Khan Sahib Aman Ali.

The Hon'ble Mr. Altaf Ali.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble Babu Surendra Nath Ray.

The Hon'ble Babu Kishori Mohan Chaudhuri.

REVISED FINANCIAL STATEMENT.

[The discussion on the resolutions on the Revised Financial Statement was resumed.]

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XI.

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) Rupees 15,000 be granted to the Dinajpur Municipality [illegible] construction and repair of a protective [illegible] at the [illegible] known as Ramnagar and Gobra[illegible]

(b) [illegible] be [illegible] under [illegible]

Resolutions.

Mr. O'Malley; Babu Kishori Mohan Chaudhuri.

He said :—

"My Lord, there is a *bund* alongside the Kanchan river, which is maintained by the District Board, but almost every year it is overflooded, and the inhabitants of the portion of the municipal town just to the east of the protective *bund* suffer awfully from the results thereof. Besides, the sufferings of the residents of the adjoining tracts to the north thereof, viz., the quarters known as Ramnagar and Gobrapara, where there is no protective *bund*, during the recent floods of the last two years, knew no bounds, and the distress of the people was more than what could be described. Some of the houses and cattle, etc., were swept away by the flood and some others were under water for days together. Limited as the resources of this Municipality are, it is quite beyond the ordinary means of the municipal Commissioners to extend the existing *bund* to a length of about two miles and to raise the existing portion of the *bund* sufficiently for the protection and relief of these distressed people. The estimated cost of construction and repairs of the *bund* may be Rs. 4,000. The District Board of Dinajpur was moved for extending the existing *bund*, but as under the Local Self-Government Act, the District Board is not entitled to spend any sum within municipal area, it has expressed its inability to do anything.

The District Board of Dinajpur was appealed to, but under the provisions of the Local Self-Government Act the District Board is not entitled to spend any sum on such a project. Consequently nothing has been done by the District Board. I, therefore, propose that a sum of Rs. 15,000 be granted to the Dinajpur Municipality for this project. My impression was that the District Magistrate of Dinajpur had submitted his proposals to Government, but I am sorry to learn from the Hon'ble Mr. O'Malley that Government have no information about it. I am sorry to find that the Dinajpur Municipality did not appeal to Government direct. If there is any difficulty in making the grant immediately, I am sure the needful will be done after the necessary enquiry. In this view of the matter, I have brought up this resolution and with these words I commend it to the acceptance of this Council."

The Hon'ble MR. O'MALLEY said :—

"My Lord, as the Hon'ble Mover has explained to the Council, this is a scheme about which Government have no information. The Municipality has not approached Government, and Government are at present unaware whether plans and estimates have been prepared. A drainage scheme of an anti-malarial nature has been prepared, which provides for earthwork on the roads and on a protective *bund* round the town. I am not certain whether it is the same *bund* that the Hon'ble Mover has in his mind. If a scheme of construction and repair comes before the Government, it will have to be considered in relation to this drainage scheme. At any rate, for the present, it is scarcely feasible to make provision for a scheme of which nothing is known. If the work is to be undertaken, the engineering details will have to be settled, plans and estimates prepared and the financial basis of the project determined, *e.g.*, how much the municipality can contribute and whether it requires a loan or grant. I can assure the Hon'ble Mover that if the Municipality comes up, Government will be very glad to consider the scheme, and, after examining plans and estimates, to see whether any assistance is required and in what form it should be given."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"I am glad to hear that Government is prepared to do the needful in the matter. I am sorry the Municipality did not move the Government. However, after the assurance of the Hon'ble Member, I do not think I should press the resolution."

The resolution was then, by leave of the President, withdrawn.

Resolutions.

Babu Kishori Mohan Chaudhuri.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XLI.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(*a*) the monthly fee rates in the Hooghly, Krishnagar, Chittagong and Rajshahi Colleges be reduced to Rs. 5 in the case of the two former colleges and to Rs. 4 in the case of the two latter colleges, the estimate of receipts from Government Colleges—General—being correspondingly reduced; and

(*b*) a corresponding reduction be made in the provision for miscellaneous and unforeseen charges under "32—Miscellaneous."

He said :—

"My Lord, recently the monthly fee rate for the Sanskrit College has been raised from Rs. 5 to Rs. 6 with certain exceptions and for the Krishnagar College from Rs. 5 to Rs. 6, and for the Chittagong and Rajshahi Colleges from Rs. 4 to Rs. 6. The Government letter ordering the increments with the reasons for the same has also been published in reply to my unstarred question No. X put on the 4th September last. The number of students in March 1916 and the per head Government expenditure in these colleges are given in the following table :—

		Number of students.	Per head expenditure.			Increased monthly fee.
			Rs.	A.	P.	Rs.
Krishnagar College	...	184	175	1	5	184
Rajshahi "	...	774	52	12	2	1,548
Chittagong "	...	264	140	13	6	528
Hooghly "	...	242	134	1	3	...
Sanskrit "	...	214	56	14	9	214
Dacca "	...	820	171	9	6	...
Presidency "	...	975	237	5	7	...

Thus it appears that the Government gain by this increment amounts to Rs. 2,474 a month, or Rs. 29,688 only a year. The Budget provision for this year for education is Rs. 98,13,000. The provision in the revised Budget is Rs. 81,14,000. Thus the saving amounts to Rs. 16,99,000. So we can take it that it is not on account of any pressure on the Provincial revenue that this increment order has been passed, and we fail to understand why Government took this unusual course and why higher education, upon which the solution of the bread question of the *bhadralok* classes of limited means solely depends, should be taxed to its utmost. One might naturally think that it is simply putting a premium upon high education, so that its door might be closed to the people of ordinary means. One argument that has been advanced for this increment is that there should be a uniformity of fee rates. But uniformity, I think, is not always practicable or possible. Varying conditions control varying necessities and it needs no showing that circumstances are not the same in Calcutta, Hooghly, Dacca, Chittagong, Krishnagar and Rajshahi. If, however, uniformity is indispensable, why not make it by reduction rather than by increment ? Moreover, an exception has been made in the case of the Bethune College and for the sons of the *bonâ fide* pundits of the Sanskrit College. Is it not because female education has not much progressed and the *bonâ fide* pundits find it hard to meet the exorbitant charges ? If it is necessary to make some concession for these two classes, what concession Government are prepared to make for the poorer section of the general public and for those who are very backward in high education. The mofussil

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Babu Kishori Mohan Chaudhuri.

colleges are obliged to work at a great disadvantage? That these colleges are steadily growing in importance is simply because the poorer sections are in large numbers now-a-days resorting to these colleges for the sake of economy. Residence in Calcutta is very expensive, and it is hardly possible for the poorer sections to avail themselves of the advantages of training in Calcutta where students get the help, directly or indirectly, of first-rate Professors and well-equipped Laboratories and Libraries. If uniformity could be secured in Government expenditure per head for all the Government colleges in the Province, the position would have been rather intelligible and consistent. Admittedly, in that case it would be necessary for the Government to make larger grants to all the mofussil colleges. The Hon'ble Mr. Hornell said in reply to my question that the fee rates were raised because they were too low. I do not understand, my Lord, what this phrase 'too low' means. Does it mean that high education must be highly paid for? Are we to take it after all that education is a marketable thing to be disposed of to the highest bidder?

One may say that it is a question of a rupee or two a month, so it is not of much importance. He does not know how many poor students will have to give up their studies for this increment by a rupee or two. If there has been no appreciable decrease in the number of admissions this year, the discouraging effect is sure to be felt at no distant future. Surely, this is not the time for increment in educational expenses when all the *bhadralok* classes are hard pressed on all sides by the abnormal rise in the price of ordinary necessaries of life. Then, my Lord, the ideal of high education must have undergone a thorough change in this country in recent years. When the B.A. classes in the Rajshahi College were first opened in the year 1877 or 1878, through the liberality of the late Raja Promothanath Ray of Dighapatia with an endowment of a lakh and-a-half for the purpose, it was arranged that if at least eight students continue to read in each of the third and fourth-year classes, the college would be maintained by Government, and then there was an European Principal of the Indian Educational Service posted there. Now there are more than three hundred students in the B.A. classes of the Rajshahi College. North Bengal is proverbially backward in education. It is practically a Mahomedan Division, mostly of the cultivating class. The fee rate in the Rajshahi College was originally fixed at Rs. 3 a month and it has now been doubled. Indian instinct, my Lord, is always opposed to make education costly. India had a system of education of her own and it was on a residential basis; but it was the least expensive to the guardians. The educational institutions were maintained by grants either State or private, and pupils were required to live with their preceptors during the period of their education. The tendency in modern civilised countries also is to make education as cheap as possible. In England, I believe, the University Extension system has been introduced and is being tried with success. This is a method which has been in operation for a number of years for extending University teaching to young people outside the University who would otherwise be unable to avail themselves of University advantages. Under this scheme lectures are given and classes opened in chief centres of population and the high education of the University is thus brought within popular reach.

I have not taken the case of the Sanskrit College into consideration, as the students there get the advantages of Calcutta education. I also think the Hooghly College should be placed on the same level with the Krishnagar College.

I am aware that some of our Anglo-Indian friends, even with their strong sympathy for Indian aspirations, suffer from education phobia. Perhaps they think—and I have heard it said sometimes—that the root cause of anarchism lies in the spread of high education in the land. To say the least of it, I can safely assert that it is absolutely without any foundation

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Mr. O'Malley.

in fact. High ideals given by high education can never create anarchism. I may quote here the 'Message of Hope' graciously announced by His Majesty the King-Emperor which runs thus :—

'It is my wish that there may be spread over the land a network of schools and colleges from which will go forth loyal, manly and useful citizens able to hold their own in industries and agriculture and all the vocations of life; and it is my wish too that the homes of my Indian subjects may be brightened by the spread of knowledge with all that follows in its train—a higher lever of thought, comfort and health.'

Disaffection, my Lord, lies in economic causes and the growing poverty of the people, and therefore the remedy lies not in closing the door of high education but in opening new avenues of employment to the youthful generation.

If, my Lord, I have spoken rather strongly against this recent increment order, my excuse is that I feel very strongly about it, and I am firmly convinced that it will seriously interfere in mofussil towns with the rapid progress of education.

For all these reasons I say that this increment in fee rates is absolutely unjustifiable, and I appeal to Your Excellency to remedy it at once, and in that hope I have taken the earliest opportunity of bringing this matter before this Council."

The Hon'ble MR. O'MALLEY said :—

"My lord, the resolution is practically an appeal against the orders passed by Government about nine months ago raising the fees of the four colleges to Rs. 6 a month. Government then examined the position as regards fees paid in Government Colleges, and I may explain to the Hon'ble Member the reasons which led to the raising of fees. Until last year there was considerable variety in the rates prescribed at the different colleges. They were Presidency College, Rs. 12; Hooghly, Rs. 6; Dacca, Rs. 6; Sanskrit, Rs. 5 except for sons of *bonâ fide* pandits who paid Rs. 2; Rajshahi, Rs. 4; Chittagong, Rs. 4; Krishnagar Rs. 5. So far as could be seen, there was no justification for the low fee rates in the four Colleges, viz., Rajshahi, Krishnagar, Chittagong and the Sanskrit Colleges. There was no reason why education should be cheaper in some colleges than in others. When we compared the rates paid in private colleges we found that several charged more than the four Government colleges. For instance the St. Xavier's and Scottish Churches Colleges charged Rs. 6 a month for all students and the Ripon College charged Rs. 7 for B. Sc. students. After carefully considering the matter, Government came to the conclusion that the fees should be raised to the same rate as in the Hooghly and Dacca Colleges, *i.e.*, to Rs. 6 a month. The rate was raised by Re. 1 only for the Krishnagar and Sanskrit Colleges—in the latter sons of pandits continued to pay the same low preferential rate—and by Rs. 2 in Rajshahi and Chittagong. It was thought that this would not be an excessive charge for the classes of students who receive collegiate education.

The Government of Bengal has not been singular in its action. The Government of the Central Provinces raised the fees at the Jubbulpore College from Rs. 5 to Rs. 6-4 in 1911-12, while in 1916 it raised the fees in both its colleges from Rs. 6-4 to Rs. 7-8, which is more than is paid in any Government college in Bengal except the Presidency College. The Central Provinces Government, indeed, went further than the Government of Bengal, for it also laid down that the minimum fee which could be accepted in aided colleges should be Re. 1 less than that charged at the Government colleges.

The principle kept in view by Government in raising the fees was they should not be too much for families of the middle classes, and should also be enough to cover a substantial portion of the cost of the colleges. Government

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Mr. O'Malley.

considered itself justified in doing this in view of the large and increasing expenditure which it has to incur on collegiate education. I mentioned certain figures yesterday and I do not propose to repeat them here. I may just mention that the cost of Arts Colleges is no less than 18 lakhs; and every student costs the provincial revenues Rs. 140 a year. It is probable that the expenditure on colleges may be increased. We have the Dacca University scheme, which has merely been postponed, and there is the scheme for a Mahomedan Arts College in Calcutta, which is also postponed; I may add that in the case of the college in which the Hon'ble Mover is particularly interested, viz., the Rajshahi College, there is a scheme for hostels still to materialise. I think the Hon'ble Member has underestimated the increase of income which will accrue from the raising of colleges fee. I think as a matter of fact, the increase of income is about eight times the sum he mentions.

The Hon'ble Mover has also referred to the policy in England, particularly in regard to University education. I am not prepared to go into a discussion of general principles as to the proportion of educational expenditure which should be devoted to colleges. I only wish to remark that in this country Government has done a great deal for collegiate or University education. If the Council will permit me, I would like to quote a paragraph from the remarks of Mr. Gilchrist, who is known to be a brilliant young educationist. This is what he says:—

'Perhaps in no country in the world at any period in history have greater relative demands been made upon Government for education than in India. Nor has any Government been so responsive. The idea of Government subsidy which permeates the whole University scheme of things in India has led many thinking men to consider whether in this extensive subsidy of University education there is not economic danger. Education is indeed a factor of production of the first importance, but in India many other urgent factors are to be considered; and while one must always insist on the supreme importance of primary and secondary education, it is difficult to sympathise with wholesale Government expenditure on University education. University education in the West depends largely on private sources, but in India Government is looked on as responsible alike for University, secondary and primary education.'

'I merely cite these remarks to show that educationists recognise that Government have been generous in regard to collegiate education; and I do think it may fairly be accepted as reasonable that Government should raise the monthly fees to a figure which will not be too much for the students or their parents. The question is:—Does that cause hardship to students? Does it tend to diminish the demand for these colleges? Does it prejudicially interfere with collegiate education? Well, since those orders were passed—nine months ago as I have already said—Government have received no complaints and they believe that no hardship has been caused. Unfortunately, I have not got the figures for the Chittagong College, but I have got the figures for the Krishnagar College and they show that since the fees were raised, the number of students of the college has risen from 218 to 245. This does not show that the raising of the fees has had any bad effect. For the Rajshahi College, in which the Hon'ble Member and I myself are interested, I have no exact figures. But I have good authority for saying that since the orders were passed, the number of applicants for admission has increased. The maximum number admissible in the Rajshahi College is limited to 750, and for some time past the number of applicants has been in excess of this maximum, the result being that 100 students apply but are unable to obtain admission. The demand is greater than the actual accommodation available. Since these orders were passed, the number of applications for admission which have had to be rejected for want of accommodation has risen from 100 to 150. In these circumstances, my Lord, I am sorry I cannot recommend this resolution to the Council."

Resolutions.

Babu Kishori Mohan Chaudhuri.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I have carefully listened to the reply, but on one point I have not heard anything in justification. It is this : why should an exception be made in the case of Bethune College? Is it necessary that this exception should be made in this case simply because the College is not able to meet the necessary expenses and because education has not made much progress among females? I do not understand why that consideration should not be shown towards the poorer classes of the community among whom also education has not made much progress. The immediate effect would be slight, but I am sure at no distant future it will tell heavily upon the poorer section. Very little progress has been made in English education, specially in Bengal. It is in that view that we have been trying for some time to make education cheaper. As I have shown, the tendency in all civilized countries, including England, is to make education cheaper, and I cannot understand why it should be otherwise in this country, at least in Bengal. I am not satisfied. therefore, with the explanation given. As I have shown the Provincial revenue has not been benefited much by this, and there is no reason why a special tax should be imposed upon education. I can understand a special tax upon excise revenue. But education is neither a vice nor will the special tax benefit the Provincial Government much. If any appreciable income would have been derived from this there would have been some justification, but simply because in the Presidency College the 'per head' expenditure is very high, there is no reason why in the case of Dacca College the fee should be raised to Rs. 6. I have not purposely mentioned the case of Dacca College in my resolution because there is shortly going to be a University there. But in the case of the colleges I have mentioned I do not understand why the rate has been increased. The explanation offered is not at all satisfactory, and I hope the House will accept my resolution.

A division was then taken with the following result : —

Ayes—10.

The Hon'ble Dr. Nilratan Sarkar.
" " Mr. Arun Chandra Singha
" " Rai Debender Chunder Ghose Bahadur.
Maulvi Abul Kasem.
Mr. M. Ashraf Ali Khan Chaudhuri
Maulvi A K Fazl-ul-Haq.
Khan Sahib Aman Ali.
Rai Mahendra Chandra Mitra Bahadur.
Babu Surendra Nath Ray.
" Kishori Mohan Chaudhuri.

Noes—21.

The Hon'ble Sir Henry Wheeler K.C.I.E., C.S.I.
" " Mr. N D Beatson Bell, C.S.I., C.I.E.
" " Sir Satyendra Prasanna Sinha, Kt.
" " Mr J H. Kerr, C.S.I., C.I.E.
" " " J. Donald, C.I.E.
" " " L S S O Malley
" " " F. A. A. Cowley
" " Lt-Colonel W. J Buchanan, C.I.E., I.M.S.
" " Mr C H Bompas
" " " W. C Wordsworth
" " " C. F. Payne
" " " E. B H Panton.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. W H. H. Arden-Wood, C.I.E.
" " " Aminur Rahman.
" " Rev. Dr. G. Howells.
" " Mr. F. W. Carter, C.I.E.
" " " W. E. Crum.
" " " E. B. Eden.
" " " Altaf Ali.

The following members abstained from voting :—

The Hon'ble Mr. J. Mackenzie.
" " Dr. Deba Prasad Sarbadhikari, C.I.E.

Resolutions.

Babu Kishori Mohan Chaudhuri.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
" " " C. J. Stevenson-Moore, C.V.O.
" " The Nawab Bahadur of Murshidabad.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. R. Glen.
" " " Provash Chunder Mitter.
" " The Maharajadhiraja Bahadur of Burdwan.
" " Kumar Shib Shekharesawr Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Radha Charan Pal Bahadur.
" " Mr. E. A. Martin.
" " " H. R. A. Irwin.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Babu Bhabendra Chandra Ray.
" " Rai Sri Nath Ray Bahadur.
" " Babu Akhil Chandra Datta.
" " " Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.
" " Babu Ambika Charan Mazumdar.

The ayes being 10 and the noes 21 the resolution was lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XLII.

The Hon'ble Babu KISHORI MOHAN CHAUDHURI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a sum be allotted for the appointment of two additional Lecturers in English and Chemistry and a Laboratory Assistant in Physics in the Rajshahi College ; and

(b) the said sum be met from General Reserve—" 32—Miscellaneous."

He said :—

"My Lord, this resolution is based upon the recommendation of the University Inspectors. They have been insisting since 1914 on the appointment of two additional Lecturers in English and one additional Demonstrator in Chemistry. Only one additional Lecturer in English was appointed in 1915. In this year's Budget there is provision for appointment of one additional Lecturer in English for the Rajshahi College. But no appointment has as yet been done. A curious suggestion was made sometime ago that the number of students in the college should be reduced by at least 100. The Governing Body, however, represented that this should not be done, as in that case the college would suffer a loss of about Rs. 5,000 a year according to the former rate of fees. In last September also the University Inspectors (Messrs. Ghose and Das Gupta) strongly urged for the appointment of one additional Lecturer in English and one additional Demonstrator in Chemistry. They also pointed out the unsatisfactory result of English in the last University Examination for this college. The Rajshahi College is the least expensive Government college in the Province. The per head expenditure in this college was Rs. 52 and odd annas in 1915-16. The fee rate has since been increased from Rs. 4 to Rs. 6 a month. A Laboratory Assistant in Physics is also, I understand, urgently necessary in the Rajshahi College. The number of students reading Physics in the I. Sc. and B. Sc. classes is over 225. Under these circumstances, I hope, this resolution should meet with the approval of the Government and will be accepted by this Council."

Resolutions.

Mr. Wordsworth; Babu Kishori Mohan Chaudhuri;
Maulvi A. K. Fazl-ul-Haq.

The Hon'ble MR. WORDSWORTH said :—

"My Lord, the matter is simple and scarcely merits the dignity of a resolution in Council. Our colleges are staffed according to the requirements of the University. Not long ago, I think at the end of 1916, the staff of this college was settled by an understanding with the University. Recently, the University addressed us in terms inconsistent with this understanding. We requested of the University an explanation of the inconsistency. The explanation has arrived, and is not consistent with any of the preceding correspondence. As soon as we arrive at a settlement we shall take whatever action is necessary in the ordinary course of administrative routine, and the necessary expenditure will be provided from the ordinary source available. I trust, therefore, the Hon'ble Member will not find it necessary to press this resolution."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, in view of this assurance, I am not anxious to press for the immediate acceptance of this proposal, but I hope that the earliest opportunity will be taken to provide for this."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XLIII.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ moved the following Resolution :—

This Council recommends to the Governor in Council that—

(*a*) a lump provision of Rs. 1,00,000 (Rs. 50,000 recurring and Rs. 50,000 non-recurring) be made for the development of the Unani system of medicine ; and

(*b*) the expenditure be met by taking the amount from—

(*i*) the lump provision of Rs. 1,50,000 for the development of industries ;

(*ii*) the Director of Industries and his office ; and

(*iii*) the grant for fish culture ;

by reducing expenditure under head (*i*) by 50 per cent., by dropping the whole of the expenditure under head (*iii*) and taking the balance from the provision under head (*ii*).

He said :—

"My Lord, it is with some diffidence that I rise to speak a few words on this resolution. The suggestion contained in this resolution is somewhat of a novel character, and I confess that the idea never struck me till my Hon'ble friend Babu Surendra Nath Ray informed me that he had given notice of a similar resolution which he is presently going to move. I thought, My Lord, that when a Hindu member of this Council gives notice of a resolution for provincial revenues to be ear-marked for expenditure for the development of a Hindu system of medicine, a Muhammadan member, representing a Muhammadan constituency, might well justify his seat in Council by putting in a similar plea for the Muhammadan system of medicine. But since I gave notice of this resolution I have considered the matter, and I confess that I find there are certain difficulties in the way of my pressing this resolution on the Government. In the first place, there is no institution at the present moment to which any money could be handed over for the study and research of the Unani system of medicine ; but at the same time I would earnestly appeal to Government to remember that the Unani system

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of medicine contains the elements of extraordinary development as an indigenous system of medicine and Provincial revenues might, therefore, be properly spent in the development of such a system, provided the ways and means are arranged and provided the University, for instance, makes it a business to encourage this particular system of medicine. Many of the witnesses who have been examined by the University Commission, particularly the Muhammadan witnesses, have urged upon the University Commission the importance of recommending the practical study of the Unani system as a medical science, and it may be that on the recommendation of the University Commission, the University may be induced to create a chair or some such thing for the development of this system of medicine. If that is done, the recommendation contained in my resolution may be considered by Government, whether some sort of subsidy cannot be given for the development of this system of medicine. I need not spend the time of the Council any further, and I will not press my resolution if I get an assurance that this resolution will receive sympathetic consideration at the hands of the Government.

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, I am extremely sorry that in this instance, at any rate, I cannot support my Hon'ble friend Maulvi A. K. Fazl-ul-Haq. He himself admits that he never thought of moving such a resolution, but that the idea came to him because a Hindu Member of the Council gave notice of a resolution connected with the Hindu system of medicine. I am sorry to say that I cannot approve of the spirit in which the resolution has been framed. We are here to represent Muhammadan interest certainly, but we are not here simply to press our claims on the ground that a Hindu member has put forward his claim on his own account. Consequently, I do not think, the Government will be well-advised to accept this resolution, because if the Unani system is to be encouraged it should be encouraged at Delhi in which ancient and Imperial city this system is still in vogue, and the Imperial revenue may be diverted towards the purpose. Delhi is associated with the Unani system, but even then I doubt whether a sufficient number of students will be available to fill up a first grade college, not to speak of Calcutta or Dacca or Noakhali. With these words I oppose the resolution. We have got many important matters for which funds are wanted and we cannot at present take up such an useless question as this."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, the remarks of the Hon'ble Member who has just spoken relieve me from the obligation of replying to this resolution at any length, and I do not now propose to undertake an examination of the Unani system of medicine ; but I would like to draw the attention of the Council to a remark which I read in our papers connected with this resolution and which struck me, though a non-medical man, as eminently sound. This was a comment by Surgeon-General Edwards, who has just left us, deprecating the use of the word 'system' in connection with this question. He said :—

'There are really no separate systems of medicine . . . . . . The art of medicine should know no boundaries. We do not want one medical system for India, another for China, a third for France and so on ; what we want is one school teaching and assimilating the best from all over the world.'

In the light of the discussion to-day we might equally say that we do not want one system for Hindus, another for Muhammadans, and a third for Europeans.

The question, therefore, reduces itself to one of medical education. The medical education which is at present being imparted in Bengal is on lines which, I think, commend themselves to all of us. So far as a sound knowledge of surgery, anatomy, physiology, pathology and midwifery is at the

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Maulvi A. K. Fazl-ul-Haq ; Babu Surendra Nath Ray.

basis of any system which is designed to relieve human bodily ills, we are probably all agreed that we are proceeding on sound lines. Whatever may have been the case in the past, instruction in the two indigenous systems of Unani and Ayurvedic medicine does not now prevail to any extent in Bengal. If, therefore, we divert our energies to an attempt to resuscitate these ancient teachings, we necessarily detract from the possibilities of improving the existing methods, and even in the course of this financial debate, we find that there are unsatisfied demands for improvements in different directions in our present medical institutions.

The Hon'ble Maulvi Abul Kasem has mentioned another point, *viz.*, that there are possibilities of this matter being tackled at Delhi, and I would refer the Council to an answer which was given at the Imperial Legislative Council on the 18th of February last, in which it was stated that the Government of India had under consideration the question whether it was possible to place the Unani and Ayurvedic systems on a scientific footing and whether it would be possible to increase their usefulness ; the Government of India were then awaiting a representation from the All-India Ayurvedic Conference.

In the light of these facts, I think the Council will be well advised to wait and see what might result from this development, while should the Universities Commission touch on the point their recommendations will necessarily receive the careful consideration of the local Government.

In these circumstances, I do not propose to deal at length with the suggestion as to the sources from which the money is to be found for the purpose contemplated by the resolution, though in so far as the diversion of funds indicated is likely to prejudice the industrial development of the province, it is scarcely likely to commend itself to those who desire more rapid progress in that direction."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, the attitude taken up by my Hon'ble friend Maulvi Abul Kasem has been 'the most unkindest cut of all'. If he had told me that he was going to oppose it I would not have moved the resolution at all. After hearing Sir Henry Wheeler, I beg to withdraw my resolution.

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XLIV.

The Hon'ble BABU SURENDRA NATH RAY moved the following Resolution :—

This Council recommends to the Governor in Council that—

(*a*) provision be made for making an annual contribution of Rs. 9,000 recurring and an initial non-recurring grant of Rs. 9,000 to the Astanga Ayurvedic College of Calcutta ; and

(*b*) the same be met by reducing the amount provided in the Budget under the head Calcutta Collectorate (Office) from Rs. 52,776 to Rs. 42,800 and from the item of Rs. 15,000 for taxi cab stand on the maidan.

He said :—

"My Lord, from the days of Warren Hastings Sanskrit learning has received an impetus at the hands of the British Government. Sincere love and regard for the ancient learning of India by men like Sir William Jones and Professor Max Müller have brought the knowledge of the East to the doors of the West. As has been said by Professor Houghton nearly a century ago a course of events, unparalleled in the history of mankind, has placed,

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among the subjects of the British Empire, a people renowned from the remotest antiquity for wisdom, civilisation and steadfast adherence to their peculiar religious opinions. That the Indians had not only a literature but mathematics and science of a high order is admitted on all hands. It must also be admitted that we owe the revival of our ancient learning to the patronage of the British Government and love of learning of some of the savants of the West. Sanskrit poetry and drama, philosophy and logic have received very great encouragement from the British Government. The Sanskrit Colleges in Calcutta, Navadwip or at Benares, the stipends paid to the paudits of Bengal and the holding of an annual title examination in Sanskrit all testify to Government support. But Hindu science, specially medical science, has not unfortunately received its fair share of support and patronage from Government. Time, however, has come when Government ought to encourage Indian medical science, specially when people themselves have been taking a keen interest not only in its revival but in shaping it according to modern ideas and methods. From a very long time Government have been patronising Indian drugs and have been insisting upon the use of indigenous herbs and vegetables prescribed by the Ayurvedic system of medicine in all medical institutions, in outdoor dispensaries and in hospitals. In fact, Government have prepared a list containing the names of Indian herbs with directions for their use and which are used as a guide to the medical officers in charge of these dispensaries. But unfortunately Government have done so without, at the same time, properly studying the Indian system of medicine or the therapeutical value of these medicines. Allopathic Doctors have made preparations of Indian drugs, such as *Neem*, *Chirata*, *Anantmul* and have been selling their preparations by thousands. Why, the best allopathic Doctors of this Presidency have been using a well-known medicine of the Ayurvedic system known as *makaradhaj*, generally in cases of typhoid and low fever, thus admitting the efficacy of Indian drugs and Indian system of medicine. We have, no doubt, been taught in Western learning from our boyhood, but we are believers in the indigenous system of medicine, as the best suited for Indian climate and conditions and suited to our own constitution; as a matter of fact people from the highest to the lowest avail themselves of Kaviraji medicines.

Your Lordship was pleased to make the following remarks at the last Convocation of the Calcutta University : 'What did surprise me was to learn that up to the B.A. degree Indian philosophy finds no place in the curriculum. It is Western philosophy only that is taught and it is only those who proceed with their studies beyond the B.A. decree who receive at the hands of their University a draught from those springs of profound philosophic thought which have welled up in such rich measure from the intellectual soil of their own country. Frankly that strikes me as a stupendous anomaly......' Your Lorpship further remarked : 'I should have expected to find the deep thought of India, which has sprung from the genius of the people themselves being discussed and taught in the normal course of an Indian University, and the speculations and systems of other people from other lands introduced to the students at a later stage after he has obtained a comprehensive view of the philosophic wisdom of his own country.' It will be perhaps a surprise to Your Lordship to hear that most of the physicians who come out of the Government Medical Colleges do not know anything about the Hindu system of medicine—of the great works of Sasruta and Charaka though there is ample evidence to show that the first principles of the science of medicine were originally preached in Arabia by Indian physicians and Professors and that the Charaka and Sasruta were translated into the Arabic language. Dr. Wise in his history of medicines says : 'With some hints from the Egyptians, the Grecians were the originators of both the medical science and art of Europe. A more extended knowledge of history,

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proves that this is not correct, their own most ancient records proving that they obtained much of their knowledge from a mysterious nation of the East, which we have proved was the Hindu, among whom the arts and sciences were succesfully cultivated, and whose great progress in medicine attracted attention, and was communicated through the Egyptian priesthood to the philosophers of Greece. After perusing a translation of 'Charaka Sanhita' Dr. Clarke of Philadelphia observed : 'If the physicians of the present day would drop from the pharmacopœia all the modern drugs and chemicals and treat their patients according to the methods of Charaka there will be less work for the undertakers and fewer chronic invalids in the world.'

Hindu system of medicine known as the Ayurvedic system flourished some centuries before the birth of Christ under the auspices of Hindu kings. Various have been the causes owing to which everything remained at a standstill for more than one thousand years. There was no support, no encouragement from the Government of the day. In fact dark days intervened, without hope, without light. As a consequence there was no progress. Moreover, on account of the innate conservatism of the Hindu race there was no experiment or observation and truths remained neglected. Hindu chemistry, Hindu botany, Hindu materia medica might have been ahead of those sciences in the West at one time, but it is not so now, and it is absolutely necessary that they should be resuscitated according to the high standard of scientific knowledge now prevailing. The rust which has accumulated must be brushed away and proper steps should be taken to make the system as efficient as possible. The Government have been doing a great deal for the encouragement of the Western method, I mean the allopathic mode of medical treatment in this country. It was in 1913 that it was elicited by the questions put by me in this Council that out of nearly 500 applicants for admission in the Calcutta Medical College every year, only one-fourth of the candidates got admission and the applications of nearly three-fourths of the candidates were rejected. Through the exertion of my Hon'ble friend Dr. Nilratan Sarkar and a few others supported by Lord Carmichael and the late lamented Sir Parde Lukis the Belgachia Medical College is now an accomplished fact, and Government have contributed and have made adequate provision for the upkeep of the College. This I, think, has also been done with other medical schools of the Presidency. It is, therefore, meet and proper that Government should encourage the indigenous medical school of this country.

I am fully alive to the fact that at the present time Ayurveda, the Hindu system of medicine and surgery, has ceased to be cultivated as a science and the result has been that the system has, more or less, degenerated into empiricism. Anatomy, surgery and pathology which require systematic observation and experiment for their development have made no progress, and the orthodox Hindu physicians are unfortunately ignorant of many of the great truths discovered by the latter-day physicians of the West. It was necessary even for the conservative Hindu physicians to march with the times and not to lag behind. An Ayurvedic College has been established in Calcutta by some of the competent Kavirajes of the Presidency, a few of whom are also passed graduates of the Calcutta Medical College. The object of the institution is the cultivation of the science of medicine as was taught in ancient India, with all the advantages and accessories derivable from modern science. The Professors will each be in charge of a special subject and will teach his own selected branch, both theoretically and practically. Thus we shall have different instructors in chemistry, physics, botany, physiology, anatomy, medicine, surgery and midwifery. Surgeon-General Edwards, who visited this institution about a year and a half ago, along with the Hon'ble Mr. Beatson Bell, whom I am glad to see here to-day,

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Babu Surendra Nath Ray.

was pleased to make the following remarks with reference to this institution :—

'I visited this school with the Hon'ble Mr. Beatson Bell and was much interested in what I saw. It is a beginning which will, I hope, lead to greater things.

Kaviraj Jamini Bhushan Roy believes in a thorough preliminary training on the Western lines. He would teach all that the West knows and add to that the knowledge of the East. This seems very sound method of education. He says that in the old days there were regular schools, teaching all that was known in the intellectual world, whether East or West did not matter, and he would like to see this state of affairs again reproduced. He himself has had a splendid education and is Becholor of Medicine of the Calcutta University as well as a great Kaviraj Doctor.'

The College imparts scientific and systematic teaching, both theoretical and practical, in all the eight branches of the Ayurveda, at the same time it endeavours to combine secular with the moral and religious training of the students in conformity with the past traditions of the country. The College is divided into two separate departments, viz., the Sanskrit Department and the Vernacular Department. The courses of study for both the departments are the same and the only difference is that in the Vernacular Department teaching is imparted in Bengali and Hindi. For students in the Sanskrit Department the course of study covers a period of five years, of which four years are devoted to the study of the general college course and one year to higher study of the philosophical portion of Ayurveda with practical work meant for advanced students. The course of study for students include anatomy, physiology, materia medica, chemistry, botany, pathology, surgery, midwifery, diseases of the eye, ear, throat, hygiene, &c. The College has a free outdoor dispensary attached to it with the medical and surgical departments. The college is provided with (1) a chemical laboratory, (2) a museum for materia medica and pharmacy, (3) an anatomical museum, (4) a collection of surgical instruments for demonstration and operation, (5) a pathological museum, (6) a herbarium and (7) a library. With a view to promote the cause of Ayurveda study the College authorities have started a monthly medical journal which deals with subjects, which are of special interest to the students of Ayurveda and in which a systematic attempt is made to popularise the laws of sanitation and hygiene for the prevention of diseases. An indoor hospital will be attached to the College as soon funds would be available for the purpose. For the present clinical training is imparted to the students at the Marwari Hindu Hospital. The present number of regular students on the rolls is 56. Besides there are five casual students. In accordance with the time-honoured custom of the country the College authorities have to bear the boarding and lodging expenses of the poor deserving students and provide for their free tuition. Those who take admission in the Sanskrit Department must have passed the Government Title Examination or must satisfy the Principal that they possess sufficient knowledge of Sanskrit to be able to read and understand the Ayurvedic literature in Sanskrit. For those who join the Vernacular Department a sound knowledge of vernacular language is always essential. A fair knowledge of English too is always recommended. No student is, however, admitted to the College in any department unless he successfully passes a preliminary test held by the College authorities.

An institution such as this deserves support from Government. A start has been made by private enterprise and it behoves the Government to foster and encourage it by all means. I would, therefore, propose that for the present a monthly grant of Rs. 750 be given by Government to aid this institution in its noble work and a sum of Rs. 9,000 as a contribution for the proper equipment, etc. The monthly expenditure is more than Rs. 1,000.

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Babu Surendra Nath Ray.

It will be money well spent indeed. But while I ask Your Lordship's Government to support this institution, I also ask if the Government so desire they can appoint members on the Committee of the Institution to look after its affairs. I would like that the Surgeon-General of the Government should have a voice in the management of its affairs.

Suggestion has been made that the students of the Campbell Medical School in Calcutta may be taught as an optional subject Sasruta and Charaka—the two well-known works on Hindu medical science. I have discussed this matter with some of the members of the Ayurvedic Institute. Their objection is that the Hindu system or Hindu school of medicine would then lose its individuality and be merged in the allopathic system of medicine. It is necessary that the Ayurvedic system should flourish as an independent system. The Government has partially recognised this for the title of Vaidyaratna was founded by the Government of India in 1911 for the purpose of recognising the services of Hindu physicians of eminence who practise the Ayurvedic system of medicine. I have been informed that there is an Ayurvedic institution attached to the Dyanund Anglo Vedic College in the Punjab. It is under the Punjab University and the expenses are defrayed by Government. The Government of Bihar and Orissa have given the assurance that at the Sanskrit College to be established at Puri and Muzaffarpur, Ayurveda will be included as a subject of study.

Next as to the ways and means. From the financial statement we come to learn for the first time that in future the Collectorship of Excise in Calcutta will be filled up by a member of the Indian Civil Service holding the position of a second grade District Magistrate. The Collectorship of Calcutta has been held at least for the last twenty-five years by a member of the Provincial Executive Service and generally by an Indian. I know Rai Bahadur Durga Gati Banerjee, Rai Bahadur Chandra Narain Singh, Mr. Babonau, Rai Bahadur Banshidhar Banerjee, Mahananda Gupta, Rai Bahadur Jamini Mohon Dass. All of them held the appointment and Babu Nrityananda Bhur is the present holder of the post. Except in one single instance I think these officers have discharged their duties honestly, conscientiously and without a stain on their character. For the last twenty-five years that they have successfully held the office the work, I think, has gone on smoothly. It is, therefore, surprising to see that provision has been made for a second grade District Magistrate as Collector of Calcutta In those days when the question of the wider employment of Indians in offices of trust and responsibility has been engaging the attention of the Government we are generally sorry to see that a post held for more than a quarter of a century by Indians and by a member of the Provincial Executive Service should be taken away from them. One would like to know if it is not a fact that about three years ago an attempt was made to give it to an European gentleman though a member of the Provincial Executive Service, but that it could not be given to him because he was junior in service. I move that the present system of appointing Indian members of the Provincial Executive Service on the present salary be continued and the proposal for the appointment of a District Magistrate of the second grade as Excise Collector of Calcutta with a higher salary be rejected and that the amount budgetted for the latter proposed appointment in excess of the present salary be given as a contribution to the Ayurvedic College.

It further appears that an increase of Rs. 9,000 has been made under the expenditure heading of Income Tax and we find in the column of remarks 'Budget provides for the appointment of an Indian Civil Service Officer as Collector with conveyance allowance and for the additional establishment sanctioned for increase of work.' We are ready to concede that conveyance allowance and additional establishment for increase of work and consequent increase of expenses would be necessary in this head. But why appoint a member of the Indian Civil Service to the post."

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Babu Surendra Nath Ray.

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Sir Henry Wheeler ; Babu Surendra Nath Ray ; Dr. Nilratan Sarkar.

The Hon'ble SIR HENRY WHEELER said :—

"Sir, there is no intention of appointing a member of the Indian Civil Service to the post of Collector of Income Tax, Calcutta."

The Hon'ble BABU SURENDRA NATH RAY continuing said :—

"My Lord, I shall show it to the Hon'ble Member later on.

I can very well understand that the officer henceforth will have to do more with the European mercantile firms than has hitherto been the case, but I think experienced and trusted members of the Provincial Executive Service will be able to carry on the work efficiently. If, however, for the present and in order to make preliminary arrangements about super-tax, etc., it is necessary to have a member of the Indian Civil Service to fill up the appointment, I would propose that the intitial grant of Rs. 9,000 for equipment etc., for the Ayurvedic Institution be met from the proposed grant of Rs. 15,000 for a taxi cab stand on the maidan. It is the duty of the Corporation of Calcutta to make provision for such stands and not of the Government."

The Hon'ble DR. NILRATAN SARKAR said :—

"My Lord, I confess that it is with some amount of nervousness that I rise to oppose my Hon'ble friend. In considering our relation with the indigenous system of medicine we are confronted with two important questions—(1) whether it is possible to rehabilitate the indigenous system of medicine with the ideas of modern sciences and (2) how far we can gradually and rightly introduce truths and theory found in the Eastern sciences into our curriculum of studies of the medical schools. My Lord, as regards the latter, that is, introducing those subjects into our curricula, we have to look at matters from two points of view, one is primarily historical and the other is primarily scientific. From the historical point of view, all the accumulated wisdom of the races which has culminated in different kinds of art has their roots in some instincts, and in the case of the heeling art these instincts—hygienic, sanitary or medicinals—have their roots deep in the depth of the pre-historic times. This is common with many other biological and sociological instincts. My Lord, all these have root in the instincts of the past. Our ancestors did not exactly stop at these instincts and they advanced to empirical recipes in the first place based upon extensive observation of generations. These empiricisms are the empiricisms of a pre-scientific era. Then, they further proceeded by methodical observation to inductions and classifications mixed, of course, with inevitable errors and superstitions ; and next there came an era of hypothesis and speculation embodied in comprehensive *sutras*, that is enunciations, each of which covers with formal precision a vast assemblage of observation of facts. Thus a stage of professional science was reached. This is all that I can claim for the splendid system of therapeutics that was brought into existence by our ancestors and no more. I dispute the claim of such a system to positive science, because it is wanting in that precision of a quantitative measurement and that experimental verification based upon quantitative measurement which is the essence of all science. This is the important element that is wanting in this, but, My Lord, the professional science of the individual school has done yeomen's service in the past in helping to cultivate medical and therapeutical resources of India in Indian climate and under Indian environments ; that is to say, in relation to the diseases that prevailed in India in former times. Thus, a system of therapeutics was built up and it is my hope that these precious heirloom of ours will not be allowed to be merged in the obstinate Western system on the one hand and in the obscurity and credulity of the East on the other, and thus be lost to us for ever. But I believe that in course of time much of the truth that is contained in this

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Maulvi A. K. Fazl-ul-Haq.

system will be incorporated in the curriculum of our students ; but in order to do that a good deal of preliminary research work will have to be done to separate a large mass of dross from the pure gold that is there. I believe it is a mere conviction with me that the future therapeutics of the world is neither a Western therapeutics as is now in use, nor the Eastern therapeutics as it has existed for the last 2,000 years or so, but it will be an universal therapeutics which is to come in which the Eastern, Western and many more will have their part in the contributions. I would, therefore, whole heartedly support my friend for a scientific study of the indigenous system of medicine, but such a study can be conducted only in the light of facts of modern allopathy, modern chemistry, modern physiology, modern biology and modern pathology, and I may also say of the principles of modern surgery and medicine. Therefore, I fail to understand what my friend means by individual system of medicine ; individuality in any science may mean an aloofness and therefore those which necessarily means restrictions which may be based upon bias or prejudice or something else. It would be undesirable, therefore, from my point of view, to have a separate school for teaching Ayurvedic or Unani system of medicine or for the matter of that for the teaching of Ayurvedic medicine, and even though it is assured that in the study of Ayurvedic medicine subjects, such as anatomy, physiology, etc., will be introduced there. It would be undesirable therefore to leave scientific institutions to those whose methods cannot be resolutionised and made free from bias or prejudice. What I object to is this : These institutions will be unable to raise their voice against the principle of mediæval authority. When they plead for individuality they take their stand upon that principle of authority, that has no place in science.

I submit that the analogy between pleaders and mukteârs, Aurvedic and Unani schools does not hold good. This is a proposal for practical recognition of a professional school in that help means recognition. Before extending help to a medical institution Government has hitherto considered several questions ; for instance the preliminary qualifications, the course of study and the arrangements for teaching and many questions that do not arise in connection with a non-professional school. These questions will have to be considered before anything can be decided. I would cordially support a proposal for a school where Ayurvedic and Unani system of medicine might be taught to passed students of medical schools. I would also appreciate an attempt to start an Ayurvedic and Unani school in connection with the existing system of schools—that is a sort of mixed school—but to attempt to build a scientific Ayurvedic school apart from a medical school would be doomed to failure so far as I can see. If it is conceded that anatomy, physiology and chemistry are to be taught to the students, then why object to Western materia medica, therapeutics, biology and pathology, including Western surgery and Western medicine, and if the necessity of these subjects be admitted then an ordinary medical school with a chair or two for the Ayurvedic therapeutics and some beds in a part of the hospital, where some persons may be treated according to the Ayurvedic system, would serve the purpose : and that would be a mixed school and not a pure Ayurvedic school. With these words, My Lord, I protest against the resolution that has been moved by my friend, the Hon'ble Babu Surendra Nath Ray."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, I rise to say a few words not only because I wish to give my whole-hearted support to my Hon'ble friend Babu Surendra Nath Ray to whom, as I have said, I was indebted for the idea of moving the previous resolution, but also because I wish to take the earliest opportunity of repudiating the insinuation contained in the speech of my Hon'ble friend

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Mr. Arun Chandra Singha; Maulvi Abul Kasem; Sir Henry Wheeler.

Maulvi Abul Kasem that I was induced to move my resolution in a spirit of hostility to the Hindu members of the Council. What I thought was that the time had come when we might well ask Government to divert a portion of the Provincial revenues to the practical study and research of the indigenous systems of medicine. On the merits of the case I do not think I need say much, after the elaborate discourse of my Hon'ble friend. It may be fairly said that he has exhausted all that could be said in support of the resolution. I, therefore, would not take up the time of the Council, but only say that I heartily support the resolution. There are no such difficulties in the way of Government accepting this resolution as there were in mine. Here we have already an institution in working order. In this view of the matter I think my friend. the Hon'ble Babu Surendra Nath Ray, has made out a much stronger case than I could claim to have made out regarding the Unani system.

The Hon'ble Mr. ARUN CHANDRA SINGHA said :—

"My Lord, I beg to support the resolution. The object of this Ayurvedic institution is to revive and modernise an ancient Indian science, which has a following amongst a very large percentage of our countrymen. The conductors of the institution have maintained it with the greatest difficulty up to this, and they are now appealing to the Government for assistance to enable them to keep the school alive and make it possible for them to attain the ideal which they have set before them, of so remodelling the Ayurvedic system of medicine, a system which is best suited to the people of the country by its origin and environment, on the basis of modern discoveries and conceptions, as to render it capable of completely fulfilling the functions which are expected of such a science.

I trust the appeal will not be in vain, and the Government will see its way in accepting the resolution.

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, I find that several members are supporting this resolution, but I am sorry to say that on this occasion also I find myself in the opposite camp. After an elaborate statement made by my Hon'ble friend Dr. Nilratan Sarkar, I think my friend, the Mover, will be well advised to withdraw his resolution. I cannot, of course, speak with any authority on this or that system of medicine, and although I may have a great admiration for the indigenous system, as a tax-payer I object to our money being spent at the present moment on objects like this, however noble they may be. For the last two days we have been crying ourselves hoarse on the questions of Police and the partition of Midnapore and Mymensingh, and if the partition of Midnapore can wait for two or three years, I think this Ayurvedic Medical School may also wait till the end of the war. I hope, My Lord, the resolution will not be accepted, because at present we can ill afford to direct the Provincial revenue towards such purposes.

The Hon'ble SIR HENRY WHEELER said :—

"Sir, I should be content to refrain from reply after the admirable speech made by the Hon'ble Dr. Nilratan Sircar, who speaks with professional knowledge to which I obviously cannot lay claim, but it is necessary that I should briefly indicate the attitude of Government in this matter. It follows from what I have said in reference to the previous resolution that, we should judge this proposal, primarily, by the criterion whether it is likely to improve medical education as now imparted in Bengal, and I am bound to say that from such information as we have been able to obtain, I am doubtful whether that result would ensue.

"In the first place, in theory, as I think Hon'ble Members will allow the kabiraji system, that is the *traditional* kabiraji system, is one which scarcely lends itself to the system of education in schools, colleges and

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Sir Henry Wheeler.

hospitals, as we understand it. Under the traditional kabiraji system, kabirajes of standing attract around themselves a number of pupils whom they maintain and educate, free of board and lodging, combining medical teaching with instruction in Sanskrit and also, as I gather, with moral and religious education. At the same time, they impart a knowledge of the preparation of drugs. I am told that no particular courses of instruction are prescribed ; certain text-books are used in association with the teaching of the kabiraj, but the system is generally dependent on the teacher's own methods of instruction. There is no particular fixed period for a complete course of study, but it generally extends to 4 or 5 years, after which the preceptor gives his own certificate to the pupil, though no special tests and no special form of certificate are prescribed.' That is, I understand, an outline of the present system, and, as I say, it scarcely lends itself to the machinery of schools and colleges as we know it.

In the second place, in respect of the kabiraji treatment, there is another difficulty, and that is that there is a cleavage of opinion between the orthodox and the more advanced as to what is expedient. The orthodox practitioner is apparently of opinion that a course of combined instruction on indigenous and Western lines, which to the outside world would seem beneficial both for the Ayurvedic system and the better equipment of the practitioner, will not prove successful. I quote from a report of a few years ago:—

'The true Ayurvedic pratitioner maintains that any assistance from Government in aid of schools of this kind will not advance Ayurvedic practice, and that if Government desires to revive and encourage the system, it must be on orthodox lines. The kabiraj must be trained as a kabiraj pure and simple: no advantage would be gained by imparting instruction in Western science. The people have more confidence in the true kabiraj who practices quietly without ostentation than in the practitioner who has superimposed on an education on Western lines a course of instruction in Ayurvedic medicine.'

That, Sir, seems to me to be another particular reason for proceeding cautiously.

In the light of these facts, and if these obstacles do exist, are we well advised in diverting from the medical education that we now impart funds which can be well applied to it in favour of an untried experiment which does present obvious difficulties? In so far as the fundamental elements of medicine require a knowledge of the human body and so on, the Ayurvedic system is perhaps admittedly defective, and I think we are all agreed that in these directions instruction is already being given as efficiently as is possible.

As regards the matter of the special drugs which are used by Ayurvedic practitioners and with which Western practitioners are probably less acquainted, it was the intention and hope of this Government, had it not been for the war, to have directed an enquiry, somewhat on the lines which the Hon'ble Dr. Nilratan Sircar suggests, into the value of these drugs, with the idea of preparing an indigenous pharmacopeia and ascertaining the true value of these remedies judged in the light of Western science. After the war, we hope that intention may be revived, and as I have already mentioned in connection with the previous resolution, the Government of India are evidently contemplating the possibility of some advance on central as opposed to provincial lines. These, therefore, seem to be adequate general arguments for not accepting the resolution.

Coming to the particular case of the institution to which we are now asked to give assistance, it is true that in February last, it submitted an application for help, and it gave an account of its activities generally on the lines which the Hon'ble Babu Surendra Nath Ray has explained to the Council to-day. On the other hand I am bound to say that an enquiry which was recently made by Surgeon-General Robinson does

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not altogether bear out the contention that, whatever their enthusiastic ideals may be, they have yet succeeded in entirely realising them. I do not wish to read the report on the institution in full, but I may tell the Council generally that it is not a favourable one. The Surgeon-General was not favourably impressed with the standard of equipment, building or anything else; and, in fact, he left with a conviction that what was being done was not likely to produce a class of students with a qualification superior to that of a compounder or dresser. Therefore, Sir, while we all recognise the keen enthusiasm of the gentleman who is in charge, he has got to do a great deal before his ambitions can be fully realised. The actual figures of Rs. 9,000 recurring and Rs. 9,000 non-recurring which we are asked to give are equally rather unintelligible; from the available statements of the expenses of the institution it appears that their monthly expenses are Rs. 450, and a recurring grant of Rs. 9,000 would therefore practically finance the whole institution, which certainly in a matter of this kind would be unusual, while we are not told to what the non-recurring grant is to be devoted or to what extent it is to be supplemented from other sources. Both on general and particular grounds, therefore, I regret that I cannot recommend the acceptance of this resolution, but the report to which I have referred was received while the Budget was under preparation and I have not had time to consider it fully, much less to put it up to my Hon'ble Colleagues. I hope to be able to have an opportunity of personally visiting the school myself, and I shall certainly be glad to do so, but in order to avoid a false impression, I should add that I doubt whether the results are likely to be such as the authorities of the school desire.

So much, Sir, for the resolution itself. I would now refer to the source from which it is suggested that the expenditure should be found, especially since, when the Hon'ble Mover was speaking, I said that it was not our intention to appoint a member of the Indian Civil Service to the post of Collector of Income Tax, Calcutta. I now find that our own papers have misled the Hon'ble Babu Surendra Nath Ray. Mr. Donald has just drawn my attention to the schedule annexed to the Revised Financial Statement where our office, on its own motion, has noted that we meant to appoint a member of the Indian Civil Service to that post. The office was entirely misled; there is no proposal of this kind. I do not regard a member of the Indian Civil Service as suitable for that post and have no intention of recommending such a selection. I apologise to the Hon'ble Member for having led him astray. Our Budget is prepared amid great pressure of work, and our office has made a mistake."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I rise to support the resolution moved by my friend, the Hon'ble Babu Surendra Nath Ray. It is admitted on all hands that the institution is not in a proper financial condition. It is the only institution of its kind, and it has not met with that encouragement which it deserves. Of course it cannot get any support from the other branches of the profession generally speaking. But if the Government comes to its help and lends it some sort of financial support, I am sure that it will develop into a very useful institution. In reading the observations of some of the most distinguished members of our community, I find that Sir Ashutosh Mukherjee says : 'A study of the indigenous system of medicine which has successfully maintained its ground against formidable rivals, will convince any impartial critic that its basis was scientific and not empirical; we cannot consequently afford to ignore a system which embodies the results of the observation and experience of the acutest intellects of India for ages. The right course to follow is, not to treat it as a dead system incapable of further development but to foster its growth as a progressive science.' I understand that this

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institution also teaches surgery and materia medica. I also understand, in fact I have seen, that it has an outdoor dispensary attached to it and there are also arrangements for hospital treatment. My Lord, the resolution asks for a certain sum of money which is not much, but, whatever it may be even a small help from the Government will be very useful. The money will be well spent, and I can assure Your Excellency that this act of generosity on the part of the Government will be very much appreciated by the Indian community. I yet hope that the Government will find the money asked for to foster the growth of this institution."

The Hon'ble BABU SURENDRA NATH RAY said :—

"I should like to say first a few words about the financial state of the institution. We are told that the monthly expense comes up to Rs. 450. That is so. But that does not include the pay of the professors who are attached to the institution. They are all honorary professors and they are serving without any remuneration, but they will have to be paid afterwards, and if their pay is taken into consideration it will come up to six or seven thousand rupees. The institution moreover is located in a very ordinary house and it will be necessary to have a good house for it in a better locality. All this will require money and if the managers of this institution get some help from Government, they can have the institution removed to a better house, and they will be able to employ qualified doctors to teach anatomy, physiology, botany, etc. I think there are at present two professors who teach physical science and botany. One of them, I know, was the Principal of the Doulatpore Academy and he was for some time a Professor in the Ripon College, and there is also a Professor of one of the Indian Colleges who teaches botany. They will all have to be paid if proper work is to be expected from them. It is for this reason that I ask Government to make a grant of Rs. 750 a month to this institution. Of course the managers of this institution have provided it with some of the necessaries, but if they get some more money from Government they will be able to place this institution in a much better footing. That is the reason why I am asking Your Excellency's Government to make a provision of Rs. 9,000 in aid of this institution The object of the institution is to train kavirajes and make them efficient by giving them a scientific training. The modern allopathic system is borrowing largely from the Ayurvedic system of medicine, and if Your Excellency's Government patronizes this institution, it will be patronizing a very useful institution and also a very useful system of medical science. With reference to the difference of opinion that there is already between the two systems of allopathy and kaviraji—Surgeon-General Edwards remarked that that was also the case in England between the two different schools of medicine and surgery. He remarked in the visitors' book :

'There are, I understand, two schools of Ayurvedic medicine. The strictly orthodox one will have nothing to do with Western teaching and Western drugs. and train their students to treat patients without any preliminary education in anatomy, physiology, chemistry and bactereology, such as is given in Western schools.

This is much what was the state of affairs in England many years ago. In those days a pupil was apprenticed and learned diagnosis and treatment by watching his master, and by rule of thumb without understanding the why and wherefore.'

The intention of the managers is to teach the Ayurvedic system of medicine based on Western lines. The students will first be taught anatomy and physiology and then they will be taught materia medica and therapeutics. My Lord, I do not know what the opinion of the present Surgeon-General is, but here is an opinion of a distinguished member of the Indian Medical Service commanding a very extensive practice in Calcutta. This is what Colonel Brown says about the institution :

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'I was greatly interested in all I saw, there being indications on all sides of a serious and earnest endeavour to impart to the students the principles both of Ayurvedic and Western medicine. This I consider a step in the right direction ; for, though many speak slightly of the empirical nature of the former, there is not the least doubt that we have much to learn from it. There are a great many indigenous drugs which are of extreme utility, but are little known to the students of Western medicine, as they are not taught in the various medical schools ; these are being largely employed here, and among the many interesting and useful collections I saw, was one of growing plants, most of which were familiar to me as useful medicinally, and each one was labelled with the vernacular as well as the botanical name.

The anatomical room was well supplied with models and drawings, the materia medica room with a large and very varied collection of drugs, organic and inorganic, and there was also a fair collection of surgical instruments.

The staff is excellently strong, and as all the members are imbued with a love of their work and a strong determination to overcome all obstacles, the success of the institution is assured.

I am in absolute sympathy with this College, for it meets a distinct want. The materia medica of the drugs indigenous to Bengal has been surprisingly neglected of late, though workers in the past, the last of whom was Dymock, of revered memory, did a great deal in that direction.

The modern Kaviraj, with his wealth of empirical knowledge, improved by being taught anatomy and physiology, medicine and surgery, will be amply equipped to practise the science and art of the profession ; and I wish the infant institution every success, while heartily congratulating Kaviraj Jaminibhushan and his keen and intelligent associates on the success they have already attained.'

From all this Your Lordship will see that this institution has been appreciated by men like Surgeon-General Edwards and Col. Brown and also by a host of other medical men whose names I need not mention here. In these circumstances I hope Your Excellency's Government will make some contribution to this very useful institution."

The resolution was then put and lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XLV.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following Resolution :—

This Council recommends to the Governor in Council that—

(*a*) a sum of Rs. 5,000 be set apart as a contribution towards the Building Fund of the Mahakali Pathsala, Calcutta ; and

(*b*) the said sum be taken out of the grant of Rs. 23,29,000 set apart as "Grants-in-aid" under "22—Education."

He said :—

"My Lord, the resolution I beg to move has a special interest for us, Hindus of the Province. The Mahakali Pathsala is the only institution of the kind. Its utility cannot be gainsaid and has been admitted by those who have taken care to study the system followed in it. We want a special system of education suited to the requirements for our girls whose destiny is the home and not the market place to compete with men in professions and trades.

My Lord, I was exceedingly delighted to go through Your Excellency's valuable address delivered at the last University Convocation, specially the portion to our students of philosophy encouraging them to study Hindu philosophy, logic, etc.

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Mr. Wordsworth; Rai Radha Charan Pal Bahadur.

Successive Lieutenant-Governors of Bengal, the Hon'ble the Chief Justice and other Judges of the High Court, Calcutta, H. E. Lady Curzon, Lady Fraser, H. E. Countess of Minto, the Maharaja Bahadur of Darbhanga and the Hon'ble Maharajadhiraj Bahadur of Burdwan, etc., etc., all presided at the distribution of prizes to the girls of the Mahakali Pathsala and they were all pleased with the institution.

I am glad to learn that provision has been made in the Budget for Rs. 75,000 by Your Excellency's Council, in connection with the improvements of buildings of the Vidyamoyee Girls' School, Mymensingh. I propose that a modest sum of Rs. 5,000 be given out of the 'Grants-in-aid' of Rs. 23,29,000 to the Mahakali Pathsala (Calcutta) for girls only towards its building fund, for which a sum of Rs. 10,000 has already been collected from the patrons and other well-wishers of this institution, including the Hon'ble Maharajadhiraj Bahadur of Burdwan.

My Lord, with these remarks, I beg to move the resolution and I hope and trust that it will be accepted by your Excellency's Council."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, with a slight variation of figure this resolution is a repetition of what was moved last year, and on behalf of the Government, I can reply only with a repetition of what the Hon'ble Mr. Hornell then stated. This school is well acquainted with the ordinary channel through which Government assistance can be obtained. I find that in 1916 an application was made for Government assistance. This application was not accepted, because the condition of the school was found to be below that standard of efficiency which would justify the use of Government funds. Subsequently, a resolution was moved in Council last year, and the Hon'ble Mr. Hornell then assured the Hon'ble Mover that if any special appeal were made to him as Director of Public Instruction, it would receive his sympathetic consideration. The case rests there. The school authorities have not responded to this assurance. They have not approached the educational authorities, or in any way invited their assistance, and I would ask the Hon'ble Member, with all the discretion and courtesy at my command, to reflect on the position in which the Director of Public Instruction would be placed if, before the spending year commenced, he had his discretion fettered by a promise or commitment entered into on behalf of a school of which he knows nothing except that about 18 months ago it was found unfit for the receipt of Government assistance. I would suggest to the Hon'ble Mover that it is undesirable, when ordinary channels exist through which such matters can be dealt with, that recourse should be had to extraordinary channels. I think he may confidently leave the matter to the educational authorities who will be prepared to consider on its merits any application which may be made by the school authorities. If the Hon'ble Member fears that the special associations connected with the school—associations which we all respect and many revere—will stand in the way of consideration, I can assure him that he is under a misapprehension. The Director of Public Instruction is prepared to use, in the case of such schools as these, the discretion which the rules permit him to use, and I can assure the Hon'ble Mover that any application made on behalf of this school will be considered purely from the point of view of its educational efficiency."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I desire to associate myself with my Hon'ble friend Rai Mahendra Chandra Mitra Bahadur in asking for Government help in connection with this institution. But at the same time, after what has fallen from the Hon'ble Mr. Wordsworths I do not think that we need press this resolution at present. I happen to know what my countrymen think of this

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institution. It is an institution conducted on orthodox lines. For years past this question has been coming before the Council, but without any success. A feeling existed that this institution was looked upon unsympathetically by the educational authorities, but after what has fallen from the Hon'ble Mr. Wordsworth I hope that when a proper representation is made to the Government the claims of this institution will not be overlooked, and a suitable grant will be made which will foster female education on strictly orthodox lines I am sure that any assistance given to this institution will be highly appreciated by members of our community and by our ladies too. And on their behalf I appeal to Your Excellency's Government to lend a helping hand to this institution."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, under the circumstances in which I am placed I have no other alternative than to withdraw the resolution. I am glad that the Director of Public Instruction is willing to consider the claim of this institution if a proper representation is made to him. All that I can say is that this is a very useful institution conducted on orthodox lines. With these words I beg to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XLVI.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following Resolution :—

This Council recommends to the Governor in Council that—

(*a*) a sufficient sum be set apart for the excavation and sanitary improvement of the Saraswati river in the district of Hooghly; and

(*b*) such additional expenditure be met from reduction under the head "Anti-malarial works."

He said :—

"My Lord, the Saraswati branches out from the Hooghly at Triboni, a few miles above Hooghly town, and enters the Howrah district near Baluhati as a small stream. It then meanders on to the south and flows past Domjur and Andul rejoining the Hooghly just above Sankrail. Its high banks and the remains of large boats occasionally dug out from its bed, show that once it must have been a broader and deeper stream. Below Triboni the river Saraswati is only 10 or 12 feet wide and a foot deep in the hot weather, but in the rains its width increases to a quarter of a mile and its depth to about 10 feet. It was a dead river represented merely by a chain of pools, but water was let into it in connection with the Eden Canal Scheme by a cut from the Kana Nadi near Gopalnagore. Though much silted up, its banks are 10 to 15 feet high and are still densely populated, where there are several large villages, viz., British Chandernagore, Bara (west of Serampore town), Baksa, Janai, Chanditala and Kalipore in Hooghly district.

My Lord, the river Saraswati should be excavated and cleared of rank vegetation by the Public Works Department, as soon as possible. This is absolutely necessary.

With these words I commend the resolution for the acceptance by the Council.'

Resolution.

Mr. O'Malley.

The Hon'ble MR. O'MALLEY said :—

"My lord, it is somewhat with a shock of surprise, and painful surprise, that I see that the Hon'ble Mover proposes to reduce the grant under the head of anti-malarial works when we know that the works provided under that head consist of schemes which it is proposed to undertake in the campaign against malaria which, as Your Excellency has recently explained, it is desired to initiate.

The proposal is that a sufficient sum be set apart for the excavation and sanitary improvement of the Saraswati in the Howrah district. I may point out that Government have already provided in the budget for work connected with the Saraswati in the district of Hooghly. Now the reason why Government has provided a lakh of rupees for the lower Saraswati and nothing for the upper Saraswati is that a scheme has already been prepared for the former, which is intended to solve a definite and troublesome problem of drainage, whereas there is no scheme ready for the Hooghly portion of the river. The object of the scheme is to provide for the drainage of an area of 52 square miles, including the Janai basin and a portion of the Rajapur swamps which suffer from inadequate drainage. It is desired to utilise the Saraswati for the purpose of drainage; but to enable this to be done, the channel must first be improved, for, in its present silted up condition, it cannot carry any great volume of water. It is hoped to increase by excavation its discharging capacity; and the scheme is to a large extent an experiment in scouring. The total cost of the scheme is Rs. 1,43,000, which Government proposes to give itself. One lakh only is provided this year, and the remainder will have to be provided later. I mention this, as it is a scheme which the people of the district might perhaps have taken up under the Sanitary Drainage Act; but Government has come forward of its own motion and agreed to bear the cost. This is not all. This is only the first part of the scheme. If it is successful, it is proposed to sluice the Saraswati at its mouth at a cost of over another lakh.

It may be asked why should not Government at the same time take up a similar scheme for the upper Saraswati in the district of Hooghly. This, however, is a very different problem. The Saraswati has long been a dead river. This is not a recent development; even in the time of Rennell's survey, nearly 140 years ago, it had dwindled down to a small stream and except for a few miles was unnavigable after the rains. The question of its improvement involves the conversion of a dead into a living river. It will be little use to excavate it unless it can receive a supply of water from above. The difficulty here is that it has not got a good supply of water at its head. Government are advised that this river depends for its supply on the Damodar; and the volume of water in the Damodar is so small in the hot weather that there is little prospect of any reaching the Saraswati. Unless, therefore, the supply at its head is increased, I doubt whether, even if the bed of the Saraswati is excavated, there will be any real improvement. The problem which our engineers have to solve is how to make a plentiful supply of water available for the Saraswati, as well as other rivers of the Hooghly district which are dependent on the Damodar. And this depends on the elaboration of the Damodar canal project. Till this project materialises, I am afraid that no assurance can be given that it will be possible to improve the Saraswati in the way the Hon'ble Mover desires. In any case, even if money was provided in the budget next year it could not be immediately disbursed. That being so, I am afraid that I cannot recommend the resolution to the Council, specially as it involves diversion of money from useful anti-malarial works, with which it is hoped to make a start, and which cannot be delayed without postponing or curtailing the anti-malarial campaign which Government desire to institute."

Resolution.

Rai Mahendra Chandra Mitra Bahadur; Mr. Cowley; Babu Kishori Mohan Chaudhuri.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, in view of the explanation which has been given to me by the Hon'ble Mr. O'Malley as regards the practicability of the scheme, I do not think that I shall be justified in pressing this resolution. I ask Your Lordship's permission to withdraw it."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XLVII.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) provisions be made for dredging the Bhagirathi near the town of Nabadwip in the district of Nadia; and

(b) that expenditure be met out of the sum of Rs. 15,000 provided under head "Irrigation—Minor Works and Navigation" for dredging the Bhagirathi entrance.

He said :—

"My Lord, I understand that if I substitute the words 'at the entrance from the Ganges' for the words 'near the town of Nabadwip in the district of Nadia,' my resolution will be accepted."

The Hon'ble MR. COWLEY said :—

"My Lord, I am prepared, on behalf of Government, to assure the Hon'ble Mover that the provision for dredging the Bhagirathi river at the entrance from the Ganges will be utilised to the best advantage for providing an increased flow of water in the river and that its dredging shall not necessarily be carried out at the entrance, but wherever experts may advise as likely to give the best results."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I accept the Hon'ble Member's assurance and beg to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XLVIII.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following Resolution :—

This Council recommends to the Governor in Council that—

(a) a sum of Rs. 1,00,000 be provided for additional hostel accommodation in the Rajshahi College; and

(b) this sum be met by postponing some item under head "45—Civil Works in charge of the Public Works Department."

Resolution.

Mr. O'Malley.

He said :—

"My Lord, in this resolution I have asked for the provision of a lakh in the Budget for additional hostel accommodation in the Rajshahi College. A scheme for a Hindu hostel for accommodating 250 students at a cost of Rs. 1,95,000 was sanctioned in 1915, and this administrative sanction was communicated by the Director of Public Instruction to the College authorities, but no progress has been made up to this time for this much needed improvement of the College. I heard in reply to the demand of several other building grants that no provision could be made for want of necessary information on those questions, but here is a case in which all the necessary informations are before Government upon which administrative sanction was accorded; but it is very strange that nothing could be done during these three years. Last year also I moved for a similar grant, and though money could be provided for the several building accommodations in Calcutta, nothing could be spared for this mofussil college. Out of a provision of 98 lakhs for education this year over 15 lakhs cannot be spent, and we are not aware of any special reason why this should be so. There is no explanation even why we are not in a position to spend fully the sum received from the Imperial Government. The Hon'ble Mr. Wordsworth was speaking of the high prices of materials for building, but in this case a lakh can very well be spent for the manufacture of bricks and collection of some of the other materials easily available. If start had been given earlier the whole thing could have been completed without much pressure upon the Provincial revenue. I may be permitted to refer to a very curious incident in this connection. The Raja Bahadur of Dighapatiya and his second brother offered a sum of Rs. 30,000 for the construction of a Hindu hostel for the Rajshani College to be named after their late lamented illustrious father Raja Pramatha Nath Ray Bahadur, and a sum of Rs. 13,000, I believe, was actually made over to the Principal through the Rajshahi Association. The offer, however, could not be accepted and the money was returned with a suggestion that it could be paid to the Government as contribution. The suggestion could not be accepted by the Raja Bahadur, as a separate building had to be named as stated above. So another offer was made for the construction of another two-storied building for class accommodation which was also urgently required. The building would cost about Rs. 60,000, and the offer was for the construction of the building under private management under the supervision and guidance of the Public Works Department. There was a proposal, however, of opening B.L. and M.A. classes in some of the subjects for the development of the College. The Governing Body accepted the offer and urged Government to sanction it. Pending the decision of Government as regards that proposal the building work could have been undertaken and finished by this time. But it did not meet with the approval of the Government. This is the official way of sympathising with the popular demand. Those who come to Calcutta are in a position to meet the expenses and suitable hired houses are also available here. But mufassil colleges concern the poorer sections. There is need for hostel accommodation, both for Hindus and Mussalmans in Rajshahi, and I, therefore, ask for a lakh as the first instalment without any restriction. The work may be taken up and finished in two or three years. I hope there is a strong case in favour of my resolution and Government will see their way to accept it."

The Hon'ble MR. O'MALLEY said :—

"My Lord. I fully appreciate the desire of the Hon'ble Mover to see more hostels built for the Rajshahi College. I myself was the President of the Governing Body of the Rajshahi College, and I may say that this is a project in which I myself am interested and have long wished to see materialize. I recognise, however, that its time has not come yet and that we must wait;

Resolution.

Babu Kishori Mohan Chaudhuri.

and I can only hope that the Hon'ble Mover may be led to the same conclusion. I do not propose, my lord, to follow the Hon'ble Member into the question of starting M. A. classes, as that is an entirely different matter. The Hon'ble Member has mentioned the munificent offer of Raja Pramada Nath Roy of Digapatia and his brothers, but the idea of Government was that their money could not be utilized for those classes as it was intended for another purpose.

As long ago as September 1915, administrative sanction was given to the construction of a Hindu hostel for 250 boys at a cost of nearly two *lakhs* (excluding the cost of the land). Land was acquired, but it was not possible to allot the funds required for the building owing to the embargo on non-recurring expenditure from imperial non-recurring grants. Detailed estimates were not prepared; and like so many other laudable objects this scheme has since had to give way to the financial stress caused by the war.

The Hon'ble Member has mentioned the case of hostels in Calcutta and has argued why should not Government develop its own College when it has given large sums for the construction of undergraduate hostel in Calcutta. The scheme of Calcutta hostels has, however, been financed from a special grant of 10 lakhs given by the Government of India, which has been supplemented by a grant made by the Bengal Government. I think it requires no argument of mine to prove the fact, which must be familiar to the Members of Council, that the problem of students' accommodation in Calcutta, with an influx of many thousand students every year, who have to live in a crowded city, is far more acute than in a country town like Rampore Boalia.

Another reason for not proceeding with the scheme was the report of the Presidency College Enquiry Committee, which questioned the policy of large hostels. This has forced the Education Department to reconsider pending schemes for large hostels, and the prevailing opinion among Principals of Government Colleges favours hostels of not more than 50 residents. This view, if accepted, will mean the reconsideration of the Rajshahi scheme among others. It is a question of general importance, affecting other colleges besides Rajshahi, on which the Director of Public Instruction has recently addressed Government.

There are also proposals for a Muhammadan hostel which are only in a preliminary stage. Quite recently, the Director of Public Instruction called on the Principal to submit plans and estimates for the construction of a hostel for 50 boarders to cost about Rs. 50,000.

Detailed estimates are ready for neither scheme. The question of large, as compared with small, hostels has to be settled. Consequently even if money were made available, we are not in a position to use it immediately. It would be scarcely possible, therefore, to accept the proposal that the sum of one lakh should be met from the head of 'Civil Works' in charge of the Public Works Department. This would involve the postponement of one or more new major works, which the Finance Committee considered to have a prior claim on the amount available, in favour of a scheme which is not yet mature. I can only assure the Hon'ble Member that Government will take up the hostel scheme as soon as it can. It is merely postponed and not abandoned."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, after what has fallen from the Hon'ble Mr. O'Malley, I do not want to press for the immediate acceptance of this resolution. I am very glad that the question is still under the consideration of Government.

Resolution.

Khan Sahib Aman Ali.

My object is that the claims of mufassal students, especially those of the poorer class who cannot afford to come and reside in Calcutta for their education, may not be overlooked by Government. The case for establishing hostels for Calcutta students may be delayed for a year or two without much harm, and I submit that the claims of mufassal students should be given preference. As the matter is under the consideration of Government, and as something is going to be done, I need not press for the immediate acceptance of my resolution.

As regards the Raja of Dighapatiya's offer, I think the second offer ought to have been accepted, because the second offer was a higher one. It was also for the benefit of the College and in the interest of the students. However, it is for the Government to consider the matter. My object was to bring to the notice of the Government the necessity for additional hostel accommodation in the Rajshahi College."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. XLIX.

The Hon'ble KHAN SAHIB AMAN ALI moved the following Resolution :—

This Council recommends to the Governor in Council—

(a) that provision be made in the Budget for excavation of Chaktai khal at Chittagong at a cost of Rs. 10,000 ; and

(b) that the said sum be taken out of Rs. 75,000 provided for the Howrah Police Hospital.

He said :—

" My Lord, when Your Excellency granted your first auspicious visit to Chittagong, the People's Association, the Islam Association, the Trades Association and the Municipal Board composed of Europeans, Eurasians, Hindus and Mussalmans, represented to Your Excellency the necessity of the re-excavation of the Chaktai khal which passes by the outskirts of the town in the east. The khal passes by the eastern side of the town and all the outlets or drains that drain the town fall into this khal. The khal being silted up, the drainage of the town has become very inefficient and the sanitation of the town has suffered a great deal.

Malaria and other epidemics now and then make appearance. The people from different parts of the district bring goods to sell in the town. The silting up of the khal has caused much inconvenience to these merchants, as they cannot enter the khal and unload their goods at the business centres, namely Buxi Hat. Your Excellency has perhaps personally seen the present state of the khal when Your Excellency was on the spot. On account of the silting up of the khal, the people of the town and its surrounding places suffer from malaria and the business of the whole district suffers. It is, therefore, the residents of different denominations had approached Your Excellency. The Municipality of Chittagong is very poor. Its area is only 4 square miles. A greater part of it is full of jungles, having no habitation.

Resolution.

Mr. Beatson Bell; Khan Sahib Aman Ali.

The maximum rate of house-tax is levied there, still its income is hardly equal to the maintenance of its roads and other necessaries. It cannot take up a scheme for drainage without the help of Government.

My Lord, Your Excellency's Government is anxious for the sanitation of the Province, as has been manifested in several speeches delivered in different centres, and the silting of the khal has impeded the progress of trade and given way to the spread of malaria. My Lord, it will not be out of place to point out here that the Chittagong Division has got nothing in the budget for its sanitation, education and irrigation. My humble request on that ground also, I trust, will meet with Your Excellency's Government's approval. The head from which I have said the amount is available will in no way suffer if the amount I have asked for is allotted. Because such a big sum as Rs. 75,000 will not be spent in one year on that head. If Your Excellency's Government consider that the sum cannot be spared from that head, it can be taken from the head 'Miscellaneous.' I have nothing to say here. Your Excellency was on the spot. The excavation of the khal is an urgent matter. The people of Your Excellency's Government being far away from Your Excellency's capital are crying for help for the safety of their life and trade. It will be all fair if Your Excellency grants a listening ear to their need. With these words, my Lord, I move my resolution."

The Hon'ble MR. BEATSON BELL said :—

"My Lord, all our expert advisors have assured us that the deterioration which has temporarily taken place in this khal has had no appreciable effect on the sanitation of the town and its suburbs. We are, however, advised—and it is patent to every one who, like Your Excellency, has inspected the spot—that the deterioration in the khal has caused considerable inconvenience to the merchants who carry on their business in the Buxi Hat. The deterioration of the khal is mainly due to two circumstances : *first*, to the formation of a char in the main stream of the Karnafuli; and, *secondly*, to the action of the merchants themselves, in allowing logs, rafts and other obstructions to remain in the khal. As regards the char, the Port Commissioners are considering this problem along with general problem of the Karnafuli river. Certain training works are proposed, and it is hoped that sooner or later the char will disappear. This is a very large and very difficult question; but in the meantime, as a small measure, we are prepared to consider the khal by itself. While we are satisfied that the sanitary aspect of the question is negligible, we admit that the merchants are suffering a good deal of inconvenience. But the merchants are, after all, a comparatively small body, and it would be hardly fair to ask general tax-payers to pay money for their benefit. As I have already shown, the merchants are themselves greatly responsible for the bad state of the khal. We have decided to adopt a small measure of local self-government; in other words, it is our intention to notify the portion of the khal from the Buxi Hat down to the main river as a 'navigable channel' under the Canals Act, and to authorise a representative body of the merchants concerned to take their own steps, in consultation with an expert 'supervisor,' to keep the khal clear from obstruction and to improve it at their own cost in such a way as they think best. I hope the Hon'ble Khan Sahib will see that this proposal is a practical proposal; and I would ask him to give it a fair trial, and not to press his motion."

The Hon'ble KHAN SAHIB AMAN ALI said :—

"My Lord, the Municipal address was presented to Your Excellency through the Civil Surgeon who is also an ex officio member of that body. He is of opinion that the sanitation of the town is a great deal affected by

Resolutions.

Khan Sahib Aman Ali.

this khal. All that I ask for is the sympathy of Your Excellency's Government towards a far away and distant place as Chittagong. With these remarks, I ask Your Lordship's permission to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

The Council was then adjourned to 11 A.M., on Thursday, the 28th March, 1918, at Government House, Calcutta.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA,

The 11th April, 1918.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Thursday, the 28th March, 1918, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. N. D. BEATSON BELL, C.S.I., C.I.E.

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT.

The Hon'ble MR. T. C. P. GIBBONS, K.C.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble LT.-COLONEL W. J. BUCHANAN, C.I.E., I.M.S.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF 'ALI MIRZA KHAN BAHADUR MAHABAT JANG, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble Dr. Nilratan Sarkar.

The Hon'ble Mr. J. Mackenzie.

The Hon'ble Mr. W. H. H. Arden-Wood, c.i.e.

The Hon'ble Mr. Aminur Rahman.

The Hon'ble Raja Hrishikesh Laha, c.i.e.

The Hon'ble Rev. Dr. G. Howells.

The Hon'ble Kumar Shib Shekhareswar Ray.

The Hon'ble Babu Brojendra Kishor Ray Chaudhuri.

The Hon'ble Rai Debendra Chandra Ghosh Bahadur.

The Hon'ble Rai Radha Charan Pal Bahadur.

The Hon'ble Mr. F. W. Carter, c.i.e.

The Hon'ble Mr. W. E. Crum.

The Hon'ble Mr. E. B. Eden.

The Hon'ble Dr. Abdulla-al-Mamun Suhrawardy.

The Hon'ble Maulvi Abul Kasem.

The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri.

The Hon'ble Maulvi A. K. Fazl-ul-Haq.

The Hon'ble Khan Sahib Aman Ali.

The Hon'ble Mr. Altaf Ali.

The Hon'ble Babu Akhil Chandra Datta.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble Babu Surendra Nath Ray.

The Hon'ble Babu Mahendra Nath Ray, c.i.e.

The Hon'ble Mr. K. B. Dutt.

The Hon'ble Babu Kishori Mohan Chaudhuri.

Questions and Answers.

LIST OF BUSINESS—ITEM No. I.

STARRED QUESTION.

By the Hon'ble BABU SURENDRA NATH RAY :—

*1.

(a) In view of the reply given to starred question No. 14 asked at the meeting of the Council of the 19th February last, will the Government be pleased to state on what expert advice they decided on the necessity of creating a new building for the Bengal Secretariat Press? The Bengal Secretariat Press.

(b) If no expert advice was taken, besides the advice of the Superintendent, will the Government be pleased to state why no such advice was taken?

(c) Will the Government be pleased to state whether the report of the Press Committee has now been received, and, if so, when it was received?

(d) If the report has been received, will the Government be pleased to lay it on the table?

Answer by the Hon'ble MR. DONALD :—

"(a) A committee which was appointed in 1909 to consider generally the question of the existing arrangements for the printing of Government work in Bengal expressed the opinion that the Secretariat Press should be removed from Writers' Buildings. Financial conditions rendered it impossible then to give immediate effect to the recommendation, and later when proposals regarding suitable sites were being discussed the question was affected by the departure of the Government of India from Calcutta to Delhi. It was hoped then to secure one of the buildings evacuated by the Government of India, but this has not been found possible.

(b) The question does not arise.

(c) Yes.

(d) Government are not prepared to lay the report on the table."

By the Hon'ble BABU SURENDRA NATH RAY :—

*2.

With reference to the answer given to starred question No. 17 at the meeting of the Council on the 19th February, 1918— Inspection of the Bengal Secretariat Press by the Controller of Printing.

(i) will the Government be pleased to state how many times the Controller of Printing has inspected the Bengal Secretariat Press during the past five years?

(ii) did the Controller pass, in his advisory capacity, all the indents for machinery, both printing and type-casting, hitherto made by the Superintendent?

(iii) will the Government be pleased to lay on the table the opinion of the Controller as to whether, and, if so, to what extent the introduction of (1) printing and (2) type-casting machines has resulted in combining efficiency with economy?

(iv) is the Controller of opinion that work in the Press has increased, requiring more machinery and larger accommodation?

Answer by the Hon'ble MR. DONALD :—

"(i) The Controller has inspected the Press in all its departments twice during the past five years. On other occasions he visited certain branches in connection with special questions.

(ii) No, not in all cases.

Questions and Answers.

(*iii*) The Controller has expressed his inability to answer this question, since although printing machines result in both economy and efficiency in several classes of work, and type-casting machines are necessary for the manufacture of type, a very detailed scrutiny of the work performed by the machines over a prolonged period would be necessary to determine the extent of the gain in efficiency and economy.

(*iv*) The Controller is of opinion that larger and more suitable accommodation is required for the Press. No proposals for additional machinery have been submitted, and the Controller's opinion has not therefore been obtained."

By the Hon'ble BABU SURENDRA NATH RAY :—

*3.

Employment of Indians as Deputy Superintendents of the Press.

Are the Government considering the desirability of reserving one of the posts of Deputy Superintendent for an Indian employee of the Press?

Answer by the Hon'ble MR. DONALD :—

" Should a vacancy arise an endeavour will be made to fill it by the best candidate available without restrictions of race or any other kind."

UNSTARRED QUESTIONS.

(*The Answers to which were laid on the table.*)

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

I.

Excavation of tanks by the District and Local Boards of the Burdwan and Presidency Divisions.

Will the Government be pleased to state the amount of money sanctioned this year by each of the District and Local Boards of the Burdwan and Presidency Divisions for the excavation of tanks specially reserved for drinking water?

Answer by the Hon'ble MR. O'MALLEY :—

" A statement* is laid on the table.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

II.

Passenger traffic and sale of tickets on the Nabadwip station, E. I. Railway.

Will the Government be pleased to lay on the table a statement showing the number of passengers who travelled to and from Nabadwip Station on the E. I. Railway and also the sale-proceeds of tickets sold year by year, since the opening of this station, up to February, 1918?

Answer by the Hon'ble MR. COWLEY :—

" A statement† is laid on the table."

* *Vide* Appendix A. | † *Vide* Appendix B.

Questions and Answers.

By the Hon'ble BABU SURENDRA NATH RAY :—

III.

(*a*) With reference to the answer given to starred question No. 13 asked at the meeting of the Council held on the 19th February last, will the Government be pleased to state whether the insanitary condition stated in the answer refers to the condition of (*1*) Writers' Buildings or (*2*) the Press at Sealdah? Insanitary condition of the Press in the Writers' Buildings and at Sealdah.

(*b*) Will the Government be pleased to state whether any complaint was made before about the insanitary condition of the Press portion of Writers' Buildings or of the Eastern Bengal Railway Office Buildings before the main Press was located there?

(*c*) Will the Government be pleased to state whether any export advice was obtained about the nature of these insanitary conditions, and on the question as to whether such conditions could not otherwise be remedied or palliated?

(*d*) If so, will the Government be pleased to place the report upon the table?

Answer by the Hon'ble MR. DONALD :—

" (*a*) The reference was to the portion of Writers' Buildings occupied by the Press.

(*b*) No. The insanitary conditions are largely the product of overcrowding following on the expansion of the work.

(*c*) Yes. The Surgeon-General and the Chief Inspector of Factories have both reported adversely on the sanitary conditions.

(*d*) Government are not prepared to lay the reports on the table."

By the Hon'ble BABU SURENDRA NATH RAY :—

IV.

With reference to the answer given to starred question No. 16 at the meeting of the 19th February, 1918, will the Government be pleased to state fully the training and experience of Mr. Battersby as a printer before he was appointed Senior Deputy Superintendent of the Bengal Secretariat Press? Senior Deputy Superintendent of Secretariat Press.

Answer by the Hon'ble MR. DONALD :—

" Mr. Battersby was with the firm of Messrs. Thomas Harcourt and Sons, printers, lithographers and bookbinders, Birmingham, for seven years as apprentice and for one year as journeyman. After serving in the army throughout the South African war he was in charge of his regimental Press in India for four years."

By the Hon'ble MR. ALTAF ALI :—

V.

Will the Government be pleased to state whether it is in contemplation to extend the privilege of appearing at the final licentiate examination of the State Medical Faculty till November, 1918, to the passed students of all medical schools in Bengal, including those who could not appear at the examination held in November, 1916? State Medical Faculty.

Questions and Answers.

Answer by the Hon'ble MR. DONALD :—

" Pending the receipt of the orders of the Government of India, to whom a reference has been made on the subject, this Government is unable to make any pronouncement on the question."

By the Hon'ble MR. ALTAF ALI :—

VI.

Judge's Court at Malda.

(*a*) Has the attention of the Government been drawn to the fact that the people of Malda are suffering from the want of the court of a District or Subordinate Judge at the headquarters of the said district?

(*b*) If so, are the Government considering the desirability of taking steps in the matter?

Answer by the Hon'ble MR. PANTON :—

" (*a*) Yes.

(*b*) The matter is under the consideration of Government."

By the Hon'ble MR. ALTAF ALI :—

VII.

Election system in District Boards.

Will the Government be pleased to state whether it is in contemplation to introduce the system of election of members of District Boards by Local Boards or village unions in District Boards which do not yet enjoy the privilege?

Answer by the Hon'ble MR. O'MALLEY :—

" Union committees have no power under the Bengal Local Self-Government Act to elect members of District Boards. The Village Self-Government Bill, which it is hoped to introduce on the 4th April, 1918, provides for the election of members of circle boards by village committees and for the election of members of District Boards by the circle boards.

In districts where there are no Local Boards all the members of the District Boards must, under the Local Self-Government Act, be appointed by Government. Consequently all the members of the Districts Boards of Bogra, Malda and Chittagong are so appointed, in the two districts named first because there are no subdivisions, and hence no Local Boards, and in the district last named because there are no Local Boards, though there are subdivisions.

In order to introduce the elective system in the district of Chittagong, Local Boards would have first to be created; and it is not proposed to do this, both because the tenure of office of the members of the District Board extends to December, 1920, and it is not practicable to alter its constitution till their term of office expires, and also because it appears undesirable to create new Local Boards which may shortly be replaced by circle boards."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

VIII.

Hostel arrangements for Namasudra students.

Will the Government be pleased to make a statement showing what hostel arrangements there are in secondary schools and colleges under Government control for students of the Namasudra caste?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"At Dacca three unattached messes have been established for Namasudra students of Government and private colleges and schools, one being for college students, the other two for school pupils. There are hostels for Namasudras attached to the Government high schools at Jhalakati and Pirojpur; and there is a special mess attached to the Rajshahi College to which other members of the depressed classes are admitted besides Namasudras. Government have also sanctioned the establishment at Rampur Boalia of a separate hostel for Namasudra college students and school pupils as an experimental measure, but the hostel has not yet been opened."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

IX.

(*a*) With reference to the answer given to my unstarred question No. XXVIII of the 7th August, 1917, regarding the prevalence of kala-âzar in Tangail, will the Government be pleased to state how the information was collected? Kala-azar in Tangail.

(*b*) Were the medical officers in charge of the Golaknath Charitable Dispensary and Hospital at Santosh, the Dwarkanath Charitable Dispensary and Hospital at Tangail and of the Charitable Dispensary at Karatya, asked to supply such facts and figures as might be in their possession in this connection?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Reports were obtained from the Civil Surgeons concerned.

(*b*) No. Enquiry has been made and it has been ascertained that 53 cases were diagnosed as cases of kala-azar at the Golaknath dispensary from the 1st January, to the 31st July, 1917. The monthly returns of the Dwarkanath and Karatya dispensaries have also been examined, and it appears that one case of kala-azar was treated at the latter dispensary, and none at the former, during the same period."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

X.

(*a*) Will the Government be pleased to make a statement showing the total amount of recurring and non-recurring grants which have been made on account of the proposed Dacca University, up to date, from the Provincial and Imperial funds? Grants to the Dacca University scheme.

(*b*) Are the Government considering the desirability of showing the total amount of these grants as a separate item under the ear-marked balance?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) The total amount which has been credited to the Provincial balances on account of grants to the Dacca University up to the 31st March, 1918, is :—

	Rs.
Non-recurring grants	24,00,000
Recurring grants	27,70,000

(*b*) No."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XI.

Training and pay of teachers.

Regarding the Imperial grant of 9 lakhs of rupees for improving the training and pay of teachers, will the Government be pleased to state the reason why this grant could not be fully utilised during the closing year?

Answer by the Hon'ble MR. O'MALLEY :—

"The reason is that all the proposals of this Government for the expenditure of the grant have not yet been sanctioned."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XII.

Grievances of the Indian clerks in the Port Commissioners, Calcutta.

Are the Government aware of the grievances of the Indian clerks in the offices of the Port Commissioners, Calcutta, in the matter of their pay and prospects?

Answer by the Hon'ble MR. COWLEY :—

"All appointments under the Commissioners carrying a monthly salary below Rs. 1,000 are made by the Commissioners themselves under the power conferred on them by the Calcutta Port Act, 1890. No grievances of the Indian clerks drawing a monthly salary below Rs. 1,000 have been reported to Government."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XIII.

Indian and European employés in the Port Commissioners, Calcutta.

Will the Government be pleased to lay on the table a statement showing—

(*a*) the total number of Indian and European employés, respectively, in the different offices of the Port Commissioners; and

(*b*) a list of such of those employés as have received any increases of pay, stating in each such instance—

(*i*) the date of employment,

(*ii*) the initial pay, and

(*iii*) the amount of increase of pay granted at different times with dates thereof?

Answer by the Hon'ble MR. COWLEY :—

"The Port Commissioners prepare, and in meeting sanction, a schedule of the staff employed under them. A copy of this sanctioned schedule is forwarded by them to Government along with their Budget Estimates of Income and Expenditure. This schedule, as last submitted by the Commissioners, has been placed in the library. It shows the number, the designation, and the salary of the several appointments in the different offices of the Commissioners. The schedule does not show which posts are held by the Indian employés and which posts by the European employés and this information is not in the possession of Government. The explanation column gives information regarding variations in pay made at different times."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XIV.

(*a*) Is it a fact that in the Accounts Department the initial pay of an Indian clerk is Rs. 20 and that of an Anglo-Indian or European is from Rs. 100 to Rs. 130 per mensem? The Accounts Department of the Calcutta Port Trust.

(*b*) If so, have such differences, in the pay of these clerks, been made according to their respective academic qualifications, knowledge of accounts and experience, or in consideration of any particular fitness?

(*c*) What are the minimum living wages in Calcutta for the above two classes according to the official report?

Answer by the Hon'ble MR. COWLEY :—

"(*a*) The Hon'ble Member is referred to pages 8 to 21 of the schedule of establishment. The pay of clerks in the Audit and Accounts Department varies from Rs. 20 to Rs. 150. Government have no further information on the subject.

(*b*) Government are not aware of any differential scale based upon racial considerations. The pay is attached to the post, not to the person.

(*c*) It is not clear to what official report the Hon'ble Member refers."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XV.

(*a*) Is it a fact that in reply to a petition of the Indian clerks of the Calcutta Port Trust, dated the 14th February, 1914, the Hon'ble Mr. Stevenson-Moore, Chairman of the Port Commissioners, stated that what was required was a system under which an even flow of promotion would be secured and that it appeared to him that some reorganisation was necessary and that the introduction of a scientific system of grading, such as applied in the Government Secretariat, might be required? Scientific system of grading in the offices of the Port Commissioners, Calcutta.

(*b*) Has the reorganisation been effected on the lines indicated?

(*c*) Is it a fact that the initial pay of an Indian clerk in the Government Secretariat is Rs. 40 per mensem and that in the offices of the Port Commissioners, in the reorganisation scheme, is Rs. 25 only?

(*d*) Are the system of grading and proportion of different grades based on any of the standard scientific scales current in the Government Secretariat?

(*e*) (*i*) What consideration has been shown in the said reorganisation to those who have for over 10 to 18 years been kept on a salary of Rs. 30 or thereabouts?

(*ii*) What provision has been made in the said reorganisation enabling them to attain the highest grade at the time of their retirement?

(*iii*) What provision is there for those who are on the verge of retirement?

Answer by the Hon'ble MR. COWLEY :—

"(*a*) and (*b*) The Government have no information as to the orders passed by the Chairman, Port Commissioners, on the petition of the Indian clerks. But from the report of the Finance Committee on the Budget Estimates of the Port Commissioners for 1918-19, which is before Government, it appears that the Commissioners have made a provision of Rs. 50,000 to meet increases in the pay of their Indian staff, which is at present under their consideration.

Questions and Answers.

(*c*) The initial pay of a clerk in the Lower Division of the Bengal Secretariat is Rs. 40 per mensem. It has not been reported to Government whether, under the reorganization scheme, the Port Commissioners propose to fix the initial pay of an Indian clerk at Rs. 25 only.

(*d*) and (*e*) Government have no information on these points."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XVI.

Appointments to higher posts in the Accounts Department of the Calcutta Port Trust.

Is it a fact that, particularly in the Accounts Department, outsiders are appointed to vacancies in the higher posts and the claims of experienced clerks are thus overlooked? If so, will the Government be pleased to make a statement showing the appointments that have been thus made during the last five years?

Answer by the Hon'ble MR. COWLEY :—

"Government have no information on the subject."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XVII.

Work on holidays in certain offices of the Calcutta Port Trust.

Is it a fact that, in the Chief Engineer's Department, in the Accounts Department and in the Secretary's office, clerks are required to work on holidays, and that no holiday allowance is granted to them for such extra work?

Answer by the Hon'ble MR. COWLEY :—

"Government have no information on the subject."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XVIII.

Travelling auditors in the Calcutta Port Trust.

(*a*) Is it true that the Indian clerks are never given the post of travelling auditors?

(*b*) If so, what are the reasons?

Answer by the Hon'ble MR. COWLEY :—

"(*a*) and (*b*) Government have no information on these two points."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XIX.

Income-tax revenue.

With regard to the increase of revenue under the head Income-tax resulting from the introduction of enhanced rates of taxation by the Indian Income-tax (Amendment) Act, 1916 (V of 1916), will the Government be pleased to state whether it is possible to estimate accurately the normal growth of income-tax revenue from year to year as apart from the increase directly resulting from the introduction of the enhanced rates introduced in 1916?

Answer by the Hon'ble MR. DONALD :—

"It is impossible to frame an accurate estimate of the normal fluctuations in the receipts from income-tax, which depend upon varying trade conditions."

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XX.

With regard to the total income-tax revenue for 1916-17, 1917-18, and the corresponding budget figures for 1918-19, will the Government be pleased to state— Income-tax revenue.

(*a*) how much in each year represents normal increase in revenue as wholly uninfluenced by the enhanced rates of 1916; and

(*b*) how much represents the increase as directly resulting from the introduction of the said enhanced rates?

Answer by the Hon'ble MR. DONALD :—

"The following statement gives the required information :—

	1915-16. (Actuals.)	1916-17. (Increase over 1915-16.)	1917-18. (Increase over 1916-17.)	1918-19. (Estimated increase over 1917-18.)
	Rs.	Rs.	Rs.	Rs.
Ordinary receipts ...	72,26,611	18,14,389	14,59,000	......
Receipts on account of increased taxation ...	......	78,14,000	27,86,000	4,00,000"

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXI.

(*a*) Is it a fact that the introduction of the enhanced rates of taxation in 1916 has resulted in an increase of work for the income-tax establishment and a consequent increase of expenditure under Income-tax? Enhanced rates of taxation and increase of work for the income-tax establishment.

(*b*) If so, how much approximately of the total annual expenditure under Income-tax since 1916-17 represents such increase?

Answer by the Hon'ble MR. DONALD :—

"(*a*) Yes.

(*b*) Rs. 17,280 per annum, or roughly 9 per cent. of the total annual expenditure."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXII.

With reference to the budgetted assignment of Rs. 55 lakhs to the Imperial Government on account of the new schemes of income-tax, will the Government be pleased to state upon what calculation the said figure has been arrived at? Is it based on the assumption that there will be no normal increase of revenue over the figures for 1917-18, as distinct from the increase on account of the new scheme of income-tax? Budgetted assignment to Imperial Government on account of new income-tax scheme.

Answer by the Hon'ble MR. DONALD :—

"It is based on the assumption that there will be no normal increase of revenue over the figures for 1917-18."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXIII.

(*a*) Will the Government be pleased to lay on the table all material papers and correspondence or extracts therefrom relating to the arrangement with the Imperial Government under which an assignment has to be made annually to the Imperial Government from the provincial share of the income-tax revenue? Annual assignment to Imperial Government from income-tax and excise-revenue.

Questions and Answers.

(*b*) Will the Government be pleased to lay on the table all material papers and correspondence or extracts therefrom relating to the arrangement with the Imperial Government under which an assignment has to be made annually to the Imperial Government from the excise-revenue under the new scheme of taxation?

Answer by the Hon'ble MR. DONALD :—

" The following extract explains the arrangement :—

Extract paragraph 59 of the Finance Member's speech introducing the Financial Statement for India, 1916-17.

59. Lastly, I may explain that under the terms of the existing financial settlements with the provinces, income-tax is a divided head, and the additional revenue accruing from our proposals will thus be shared between Imperial and Provincial. But as this additional taxation is imposed solely for Imperial purposes, the amount which technically accrues to the provinces will be set off by a counter-adjustment from Provincial to Imperial under the head ' Transfers between Imperial and Provincial Revenues.' The same procedure was followed in 1910 in respect of the additional taxation then imposed under ' Stamps ' and ' Excise.' A like adjustment will also be made on this occasion in respect of that portion of the additional duty on locally produced beer and ' foreign spirit ' which will be credited to Provincial revenues under the terms of the settlements."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXIV.

Administrative and clerical establishments of the Calcutta Port Trust.

(*a*) Will the Government be pleased to make a statement showing—

(*i*) the total number of administrative and clerical appointments, respectively, under the Calcutta Port Trust; and

(*ii*) the different scales of salary prevailing in each of these two branches, together with the total number of officers on each such scale, and their nationality?

(*b*) Is it a fact that Indians are not admitted to any administrative appointments under the Calcutta Port Trust?

(*c*) What are the minimum qualifications necessary for admission to the administrative appointments of the different kinds under the Calcutta Port Trust?

Answer by the Hon'ble MR. COWLEY :—

" (*a*) A schedule of establishment employed under the Port Commissioners, Calcutta, is placed in the library. It shows the number of administrative and clerical appointments, and the different scales of salary in each of these two branches. The nationality of the officers and servants of the Port Commissioners holding respectively the administrative and clerical appointments, is not shown in that schedule. The Hon'ble Member is also referred to the answer given in to-day's Council to unstarred question [No. XIII] by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri.

(*b*) and (*c*) Administrative appointments the monthly salary of which is below Rs. 1,000 are not subject to the sanction of Government, and consequently Government have no information regarding them. In the case of posts of Rs. 1,000 per mensem and upwards, and in the case of a few posts like that of Secretary, and Chief or Deputy Chief Engineer, etc., there is no bar against the appointment thereto of suitable Indians.

The minimum qualifications necessary for admission to the several administrative appointments under the Port Commissioners, have not been laid down by Government."

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XXV.

(*a*) How many travelling auditors are there under the Calcutta Port Trust, and what is the scale of their salary? Travelling auditors of the Calcutta Port Trust.

(*b*) What is the minimum requisite qualification for admission as such travelling auditor?

(*c*) Is it a fact that Indians, either employed in the office or from outside, are not as a rule appointed travelling auditors?

Answer by the Hon'ble MR. COWLEY :—

" (*a*) The Hon'ble Member is referred to page 14 of the schedule of establishment under the Port Commissioners, Calcutta, which is placed in the library.

(*b*) No minimum qualifications have been laid down by Government.

(*c*) Government have no information on this point."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXVI.

(*a*) Is it a fact that the order for the arrest of Sindhubala of Bankura was passed by the Deputy Inspector-General of Police, Intelligence Branch? The case of the Sindhubalas in Bankura.

(*b*) Is it a fact that such orders are usually passed by this officer?

(*c*) Is it a fact that Mr. E. H. Corbett was officiating as Deputy Inspector-General of Police, Intelligence Branch, at the time when the said order was passed?

(*d*) Will the Government be pleased to state whether, beyond an expression of disapprobation, any punishment has been meted out to those officers who were responsible for the arrest and detention of the Sindhubalas?

Answer by the Hon'ble MR. KERR :—

" (*a*) The order was passed on the authority of the Deputy Inspector-General, Intelligence Branch.

(*b*) The Deputy Inspector-General is in charge of the work of the Intelligence Branch, and generally all orders issuing from that Branch are issued on his authority.

(*c*) Mr. E. H. Corbett was temporary Deputy Inspector-General, Intelligence Branch, at the time.

(*d*) The Hon'ble Member is referred to the *communiqué* issued by Government on the subject."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXVII.

(*a*) Is it a fact that Mr. E. H. Corbett has been appointed Deputy Inspector-General of Police, C.I.D. (Crime)? The appointments of Inspector-General and Deputy Inspectors-General of Police.

(*b*) Is it a fact that the post of Inspector-General of Police has invariably been filled up by the Deputy Inspector-General of Police, C.I.D. (Crime), whenever the vacancy has been filled up by a non-civilian?

(*c*) Is it a fact that the post of the Deputy Inspector-General of Police, C.I.D. (Crime), is regarded as a position of greater advantage than that of the Deputy Inspector-General, Intelligence Branch?

Questions and Answers.

(*d*) Is it a fact that Mr. F. C. Daly, C.I.E., whom Mr. E. H. Corbett has succeeded, has taken two years' retiring furlough and that the post of the Inspector-General of Police is likely to fall vacant?

(*e*) Is it a fact that some officers senior to Mr. Corbett are stlll acting as Superintendents of Police?

Answer by the Hon'ble MR. KERR :—

" (*a*) He has been appointed to officiate in the post during the absence of Mr. Daly, on leave, or until further orders.

(*b*) No. Since the post of Deputy Inspector-General (Crime) was created in 1906, three police officers have held the post of Inspector-General. Only one of these had previously served as Deputy Inspector-General (Crime).

(*c*) Both Deputy Inspectors-General draw their grade pay as such, and as a matter of fact, in the particular case of Mr. Corbett, the exchange is disadvantageous to him as regards pay till such time as he is confirmed as a Deputy Inspector-General. The Deputy Inspector-General (Crime) draws a house allowance of Rs. 250 a month. The Deputy Inspector-General, Intelligence Branch, draws a motor-car allowance of Rs. 150 a month, and is entitled to house allowance under the Calcutta house allowance rules.

(*d*) Mr. Daly has taken two years' leave, but it is not known whether he proposes to retire at the end of it. The post of Inspector-General of Police will, in the ordinary course, fall vacant in October 1919 when Mr. Plowden will attain the age of 55.

(*e*) Yes."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXVIII.

Case of Jyotish Chandra Ghosh.

(*a*) With reference to my unstarred question No. LXXI asked at the meeting of Council on the 22nd January last, will the Government be pleased to state—

(*i*) whether by a separate cell, the Government meant a solitary cell;

(*ii*) whether there are two kinds of cells, solitary and separate; and

(*iii*) under what law and for what reasons was he confined in such a cell?

(*b*) Will the Government be pleased to state whether, in passing or confirming orders of solitary confinement in the case of political prisoners, they take into consideration the probable effect of the order upon the bodily and mental health of the prisoner?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) The Hon'ble Member is referred to the statement that will be made by the Hon'ble Sir Henry Wheeler with reference to the resolution on the subject to be discussed at this meeting of Council."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXIX.

[Case o]f Jyotish [Chandr]a Ghosh.

(*a*) Are the Government aware that Jyotish Chandra Ghosh is an M.A. of the Calcutta University and that he was Professor in some college?

(*b*) Are the Government considering the advisability of framing written charges against men of such education and position and requiring them to make their statements in writing?

Questions and Answers.

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Answer by the Hon'ble MR. KERR :—

" (*a*) Yes.

(*b*) For some time past written charges have been put to all persons arrested and they have been asked if they wished to make a statement in writing."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXX.

(*a*) Is it true that Jyotish Chandra Ghosh is still feigning insanity and that his physical condition is satisfactory? Case of Jyotish Chandra Ghosh.

(*b*) Are the Government considering the advisability of appointing a Medical Board consisting of officials and non-officials—

(*i*) to ascertain definitely whether he is actually a lunatic;

(*ii*) to investigate into the causes of his physical and mental break-down;

(*iii*) to submit a report about the present condition of his health; and

(*iv*) if necessary, to consider what steps should be taken to improve his health?

(*c*) Are the Government considering the desirability of transferring him from the Berhampore Lunatic Asylum to the Calcutta Medical College for treatment?

Answer by the Hon'ble MR. KERR :—

" (*a*) On 5th February, 1918, Captain Hume, I.M.S., who was deputed to examine Jyotish Ghosh in consultation with the Superintendent of the Lunatic Asylum, reported that he was unable to state definitely whether the patient was insane or not and recommended a further period of observation.

(*b*) and (*c*) The Hon'ble Member is referred to the statement to be made by the Hon'ble Sir Henry Wheeler in the discussion on a resolution to this effect to be brought forward at this meeting of Council."

LEGISLATIVE BUSINESS.

LIST OF BUSINESS—ITEMS NOS. 2 and 3.

THE SERAMPORE COLLEGE BILL, 1918.

The Hon'ble SIR S. P. SINHA presented the Report of the Select Committee on the Serampore College Bill, 1918, and moved that the said Report be taken into consideration.

He said :—

" My Lord, on the occasion when I introduced this Bill, I placed before the Council quite fully the object and scope of the Bill, and I do not think it necessary, therefore, to say anything more at this stage. I may only mention that no alteration whatsoever was made in the Select Committee, except a merely verbal one, by which the words 'Calcutta University' were altered to 'University of Calcutta'".

The motion was put and agreed to.

The Serampore College Bill, 1918.

Sir S. P. Sinha ; Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble SIR S. P. SINHA, also moved that the clauses of the said Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved that in lines 7 and 8 of clause 13 the following be omitted, namely :—

"the Government as defined in section 2(*b*) of the Indian Universities Act, 1904, in relation to."

He said :—

"My Lord, the preamble of the Bill in question clearly indicates that the constitution of the Serampore College be so amended as to authorise the Council of the said College to discharge the functions of the University, that is to say, that "a Faculty and Senate be constituted for the said College . . . . and that suitable standards be imposed in regard to any secular degrees that may hereafter be conferred by the said Council.

"Clause 13 of the Bill authorises the Council "to grant degrees in any branch or branches of knowledge and science other than theology" if certain conditions are fulfilled, *i.e.*, if the Government as defined in section 2(*b*) of the Indian Universities Act of 1904 are satisfied that those requirements have been complied with. There is no Act of the Supreme Legislative Council as suggested in the Bill making it obligatory on the Governor-General in Council to make enquiries as to the adequacy :—

(1) of the establishment and equipment of the College,

(2) of the academic standard to be maintained, and

(3) of the financial provision made therefor.

"So that, in my view the Governor-General in Council, *i.e.*, the Executive Government is not legally bound to act according to the recommendation of the Bengal Legislative Council. Legal obligation must be imposed by legal authorities. In my humble opinion the legislation of the kind contemplated in the Bill ought to be passed by the Imperial Legislative Council. Referring to the Indian Universities Act of 1904, 'the Government' means in relation to the University of Calcutta the Governor-General in Council and the sections by which the said Government are required to exercise their authority are sections 21(*5*), and 24(*5*), The latter section authorises the Government to sanction the regulations which are framed by the Senate under the Act. There is no section which authorises the Government directly to make an enquiry for their satisfaction as to the adequacy of the requirements laid down in the latter part of clause 13 of the Bill. On the other hand in section 21 of the Act we find that the University has authority at the first instance to enquire about these matters before any College is affiliated to it. This procedure is to be found in the Indian Universities Act of 1904 and has reference to the affiliation of a College to the University. So with regard to disaffiliation of the College—section 24,(*5*). The duties of Government are thus defined in the Universities Act, that is at the time of affiliation of a College to the University. If, therefore, a reference to the expression of Government be made in the Bill, the duties imposed by the Act cannot be lost sight of. I am, therefore, doubtful whether the authority given by the local Legislative Council can legally compel the Government or the Governor-General of India

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in Council to carry out the injunction laid down in clause 13 of the Bill. The Bill says "it shall satisfy the Government as defined in section 2, clause (b), of the Indian Universities Act". We must understand the meaning of the word as understood and explained in the Act itself.

"If my views are controlled by the those of the Council, may I not ask the Hon'ble Members to consider, whether a University sitting in Calcutta can successfully enquire as to the details laid down in clause 13 of the Bill and satisfy itself as to these details. The Governor-General in Council sits at Delhi or Simla. Serampore is 12 miles from Calcutta. If the Bengal Legislative Council has authority to direct the Governor-General to be satisfied as to the details stated in the clause, will it not be more convenient to the Calcutta University. The two Universities can act harmoniously as to the academic mode of the spread of education in Bengal.

The Hon'ble DR. HOWELLS, said :—

"My Lord, I have nothing to complain of so far as the general spirit of the amendment is concerned and in the way in which it was proposed. But it seems to me that on one or two grounds it is quite inadmissible. I do not want to follow or attempt to follow the legal intricacies referred to by the Hon'ble Rai Mahendra Chandre Mitra Bahadua—I am not in any way competent to do so but the matter has been very carefully considered by the highest legal authorities and I am content to leave it at that. But on more general grounds I should like to ask whether there is any demand whatever from the University of Calcutta in connection with, and in the direction of, what my Hon'ble friend proposes. The Calcutta University has had every opportunity to consider this question and after careful deliberation in the first place by the faculty of law and then by a full Senate the matter was decided and the Calcutta University felt that it would be unnecessary and unfair to interfere in any way with the progress of the Bill through the Council. The Vice-Chancellor is not here to-day otherwise he would support me in that statement. I am not aware that the Hon'ble Rai Mahendra Chandra Mitra Bahadur has any right here to represent the Calcutta University or anything that the Calcutta University stands for. I think the Hon'ble Rai Bahadur has some regard for the principle of representative Government and for the principle that Government should be in the interest of those that are governed. But he is introducing a somewhat dangerous principle, I think, by attempting to force on the Calcutta University something that it has no desire to get. So far as the issue of the matter is concerned, on its merits, it seems to me, it is absolutely essential in matters of educational administration, even in reference to Universities, that the supreme power should rest with the Government and while there should be a very considerable measure of independence to the University yet there should always come a time, there should always be a possibility of a time, when it is the right of the Government to intervene and set things straight. There is a power, even in educational matters when the broad interests of the country are concerned, higher than the Calcutta University and it is recognised in all University administrations in other countries—the Government steps in, for instance, and appoints a commission thereby manifesting its supremacy. It would be a dangerous thing, for instance, even in England in matters bearing on the extension of the University education, if the University of Oxford had been granted such a power in England as my Hon'ble friend proposes to give to the University of Calcutta in Bengal. I am afraid, looking on facts from a historical point of view, that if matters had been left entirely in the hands of the Universities of Oxford and Cambridge, there would not be an additional University in England at the present time. They would not have been the best judges when other persons and other interests were concerned. It would be a dangerous policy, I take it, to make the Calcutta University the arbiter of University education

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Sir S. P. Sinha.

and University extension throughout Bengal. Calcutta is already overburdened and it is well known that there is very considerable discussion as to the desirability of extending University education by the foundation of Universities in other centres. But if the Hon'ble Rai Mohendra Chandra Mitra Bahadur's idea is maintained and the policy he stands for carried it would really make the Calcutta University the supreme judge and arbiter in all matters of this kind. From the point of view of an educationist it seems to me that it would be an unwise and dangerous policy. We must recognise in these matters the supremacy of the Government and it seems uncertain at any rate whether the University of Calcutta, even assuming that these powers might be given or that it might be desirable to give them, is really qualified to judge in these matters. At present the Calcutta University is itself being judged, a commission is sitting in regard to the University and all that it stands for and to come in at this time and say that the Calcutta University must decide matters of this kind will be putting into the hands of that body a power which it will not be qualified properly to administer. On these grounds it seems to me that the amendment proposed should be opposed."

The Hon'ble SIR S. P. SINHA, said :—

"My Lord, I fear that I did not succeed in removing the misconception which seemed to prevail amongst some Hon'ble Members of this Council, when the Bill was introduced. I stated then that at the present moment, the Serampore College has the right to confer not only theological degrees, but degrees in Arts and Sciences as well. Supposing this Bill is dropped to-day, they can, if they chose, manufacture as many B.-A's., and M.-A's., etc.. as they like ; there is nothing to prevent them. But the primary object of this Bill is to enable the College authorities to utilise the powers given to them under the Charter to confer theological degrees on students of all Christian churches and not merely of the particular denomination to which the College authorities belong, and this object was considered likely to be furthered if the denominational basis on which the College rests was modified by the creation of an enlarged Council and of a Senate, consisting of members belonging to the different Christian churches. That is the primary object of the Bill, namely, to enlarge the basis of the theological faculty which will confer the theological degrees, and that does not touch the existing powers to confer degrees in Arts and Sciences. There are no restrictions now existing on their powers, to confer such degrees ; but the Bill took the opportunity of imposing certain restrictions on these powers, namely, that as regards these other degrees, the Serampore College should not be able to confer them unless the Government was satisfied that in the matter of establishment, equipment and academic standard to be maintained and finance, adequate provision was made. The College authorities have accepted that restriction, viz., that they should not confer these other degrees without satisfying the Government in these particulars. Now, what my Hon'ble friend, Rai Mahendra Chandra Mitra Bahadur proposes to do is to enact that the restrictions which they have agreed to accept, should be altered, and a restriction should be imposed upon them, which they have not agreed to, viz., that they should satisfy not the Government, but the University of Calcutta. Is that a reasonable proposal, viz., to impose upon them a restriction which does not exist and which they are not bound to accept, instead of the restriction which they have willingly accepted, viz., control by the Government? I venture to think that the Council will agree with me that it is not. But, further than that and without going into the questions which have been raised by the Hon'ble Dr. Howells, the Council will remember this that in all these matters, establishment and equipment of a college, academic standard to be maintained and the financial provision made for the College, the Calcutta University has not the power to order affiliation or disaffiliation

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Rai Mahendra Chandra Mitra Bahadur.

so far its own colleges are concerned. The Calcutta University cannot affiliate or disaffiliate any college in Bengal, except under the control of the Government of India. Now, if that is so, and if in these matters the Calcutta University itself is subject to the control of the Government of India, is it reasonable, I ask again, that the Calcutta University should be made the controlling authority over a sister and a possibly rival University? Further, the difficulties which the Hon'ble Mover of this amendment has pointed out about the Government of India controlling, from a distance, the Serampore College are not likely to exist for very much longer. It is an open secret that it is intended to substitute as the controlling authority of the University of Calcutta the Government of Bengal. Therefore, there would not be any difficulty whatsoever in the Government of Bengal, satisfying itself as regards these particulars, if and when, any question arises as to the capacity of the Serampore College to confer such degrees. It is a contingency which, so far as I can judge, is not likely to arise for a long time to come, and I, therefore, suggest that the Council should not accept the proposed amendment".

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, in answer to the questions which have been raised by the Hon'ble Dr. Howells, I beg to submit to your Lordship that I am myself a lover of representative Government. But, when I put the matter before the Government, I put it on the ground that the two Universities might work together, *i.e.*, in co-operation. I thought also that as the Calcutta University was quite close by, it would be in a position to examine the details required in clause 13 of the Bill. I have raised it also as a legal question, as the Hon'ble Sir S. P. Sinha, who is an eminent lawyer, will be in a position to throw light on it. I thought over the matter and considered it that I should put it before the Council so that the Council might be in a position to understand the difficulties which I pointed out.

"The Hon'ble Member in charge has stated to the Council that the suggestion made by me is not a reasonable one. I consider that it is a reasonable suggestion, because it will appear from the legal aspect of the question that when a reference is made to the Governor-General in Council or rather the Executive Government, they are under no legal obligation to do what is required under the provisions of clause 13. There is no Act of the Supreme Government to compel an Executive Government to do what is required in clause 13. The clause seems to be a request that something should be done but that has no legal force. That is the reason why I have submitted the matter to this Council. The Hon'ble Dr. Howells says that it will be introducing a dangerous principle I say that it will not certainly do so. I depend as I have said, upon the co-operation of the two Universities.

"I am glad also that the Hon'ble Member in charge considers that there are difficulties but he thinks that these difficulties might be obviated soon under certain circumstances. I have nothing further to say on this point, but I submit that on the principle of convenience, it will be far better if the Calcutta University examines these questions—questions of details. If the two Universities are to be considered as rival Universities, still I do not think that co-operation with each other will introduce a dangerous principle in the management of the Serampore College. The Council of the Serampore College sits in London and the management of the College is left in the hands of the managing Committee. The Council in London is not in a position to have a direct control over the managing Committee at Serampore. These, my Lord, are the difficulties which I have submitted to the Council. I do not think that even if the two Universities are considered rivals,

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co-operation will be of no use. In this view of the matter, I have submitted this amendment for the consideration of the Council."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 5.

The following motion being consequential was not moved :—

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR to move that the words "University of Calcutta" be substituted for the word "Government" in line 1 in the proviso to clause 13.

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved that the following further proviso be added to clause 13, namely :—

"Provided also that the titles and marks of honour in respect of the degrees intended to be granted by the Council shall be different from those conferred by the University of Calcutta or any other Indian University."

He said :—

"My Lord, in moving this amendment my object is that when there are two universities, the degrees and marks of honour ought to be different, and so without any speech I submit that this proposal of mine should be accepted.

The Hon'ble SIR S. P. SINHA said :—

"My Lord, the Hon'ble Member is probably aware himself of the difficulty of suggesting other titles and degrees in making his amendment. Are they to be called α β γ—or something else? In all Universities, they are called Bachelor of Arts or Bachelor of Science or Master of Arts or Master of Science. I do not think that the Hon'ble Member is seriously suggesting that the titles to be conferred by the Serampore University should be other than these. Of course, to avoid any confusion, we have now B. A. of the Calcutta University or B. A. of the Bombay University and so on; and the same distinction will remain with regard to the Serampore College University. When there is anybody getting a degree from the Serampore College, he will be called B.A. of the Serampore College University; that is the distinction. It can hardly be suggested that we should have to invent a name different from that which prevails in any other University in the world."

The Hon'ble DR. HOWELLS said :—

"My Lord, I beg to oppose the amendment on the ground that it is a direct violation of the rights we possess under our Royal Charter and in accordance with the treaty with the King of Denmark. The sixth statute reads as follow :—

'The first Council and their successors for ever' being authorized by the Charter 'to confer such degrees of rank and honour as shall encourage learning' in the same manner as other Colleges and Universities, they shall from time to time confer degrees in such branches of knowledge and science as may be studied there, in the same manner as the Universities in Denmark, Germany and Great Britain. In doing this the Master and

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Rai Mahendra Chandra Mitra Bahadur ; Sir S. P. Sinha.

Council shall *ad libitum* call in the aid of any or all the Professors of Serampore College. All such degrees shall be perfectly free of expense to the person on whom they may be conferred, whether he be in India, Europe or America.

Clearly if we are forbidden to confer such degrees as are now granted by the University of Calcutta or other Universities in the world, then this statute has absolutely no meaning. I, therefore, feel that it is a violation of the rights we definitely possess and rights which the Government are resolved to respect. The carrying out of this amendment would result in taking away such powers as we possess from us without our consent ; and I may say on behalf of the College that we could never agree to the carrying through of such a resolution or any modification of the Charter and statutes in the way proposed. The Bill carried through in such a form would be to us worse than useless, and we should certainly as a college appeal against it for its reversal."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

" My Lord, the proposal which I have submitted is not against the terms of the Charter. On the other hand, I find by a reference to clause 13 of the Bill that the Council of the Serampore College will be in a position to grant such degrees as they think fit and proper with this restriction that the grant of the degree to the students must be confined to those who study in the Serampore College and also that certain requirements be fulfilled before the degrees are granted. So I do not see how my proposal is in conflict with the terms of the Charter. Then, again, whenever a University is constituted, it is in a position to confer degrees. With Your Excellency's permission I may be allowed to read section 16 of the Indian Universities Act of 1904 and there I find the following words :—' The Senate may institute and confer such degrees and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by regulation.' When the Serampore University will be constituted, I am entitled to submit to the Council, that by law it may be enacted that the degrees which they may grant should be different from the degrees which are granted by the Calcutta or other Indian Universities. That is not inconsistent with the terms of the Charter and not inconsistent with the provisions of the law which are to be found in the Indian Universities Act of 1904. So when we are going to have a law as to the constitution of the University and also as to the powers given to the University for granting degrees, is it quite unreasonable on my part to press upon the attention of the Council that the degrees should be different and that the marks of honour should be different from those which are granted by the Indian Universities ? No doubt it has been pointed out by the Hon'ble Member in charge that the same degrees may be conferred by different Universities. Quite so. But still my contention is that there should be different degrees for different Universities. We have got different gowns, different marks of honour to indicate different Universities."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 7.

The Hon'ble SIR S. P. SINHA moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

Bengal Budget for 1918-19.

Sir Henry Wheeler.

Resolutions.

Babu Kishori Mohan Chaudhuri.

LIST OF BUSINESS—ITEM No. 8.

BENGAL BUDGET FOR 1918-19.*

The Hon'ble SIR HENRY WHEELER presented the Budget of the Government of Bengal for 1918-19.

He said :—

"Sir, a memorandum drawing attention to various points connected with the Budget is already in the hands of the Hon'ble Members, and I trust that the notes therein are sufficiently clear in themselves.

"It will be remembered that among the resolutions moved at the previous meeting of the Council with reference to the Revised Financial Statement, two were carried. The first recommended a larger provision for the greater stimulation of work under the Co-operative Credit Department. I think the actual additional amount proposed to be allotted for that purpose was Rs. 50,000. Subsequently, we consulted the Revenue Department as to the amount which they thought they could usefully spend during the year in the direction of giving effect to the wishes of Council, and they told us that Rs. 12,000 was the amount which could thus be disbursed ; provision has been made accordingly in the Budget for that amount.

"The next resolution had reference to a hostel for railway students at Kanchrapara. That question is not in itself sufficiently advanced for us to have made a Budget provision for it. There are outstanding points, both in regard to the scheme and the incidence of the cost, which will now be worked out. Should it be decided to take action on the lines of the wishes of the Hon'ble Sir R. N. Mukherji, the cost will be debited to the ordinary Civil Works allotment of the Public Works Department, and therefore no special provision on that account need be made.

"These, Sir, are the two main points of fresh interest disclosed by the Budget as now presented.

"I would draw the attention of the Hon'ble Members to the last paragraph of the memorandum, and ask them to be so good as to extend to us their usual courtesy in giving preliminary intimation of any points of detail which they desire to raise during the debate on the 4th April, in order that information regarding them may be collected."

LIST OF BUSINESS—ITEM No. 9.

RESOLUTIONS.

(Under the Rules for the discussion of matters of general public interest.)

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following Resolution :—

This Council recommends to the Governor in Council that steps be taken to provide facilities, under proper safeguards, to those *détenus* who may desire to appear at the next University Examinations.

* The Budget is not included in these proceedings.

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Babu Kishori Mohan Chaudhuri.

He said :—

"My Lord, before I speak on this resolution, I think, I should explain why I am late, so far as this year is concerned, in bringing this matter before the Council—as the Intermediate Arts and the Intermediate Science examinations for this year are over and the Matriculation commences on the 2nd April next. I expected that the cases of the unfortunate boys, arrested and detained either under Bengal Regulation III of 1818 or under the Defence of India Act, 1915, who were preparing for the University examinations, would be taken into consideration and facilities under proper safeguard would be afforded them for appearing at the University examinations. But when I came to learn that no such arrangement was in the contemplation of the authorities, I submitted my resolution on the 20th February last, as far as I remember, with a request that I might be allowed to move it at the meeting of the Council held on the 5th March last as an urgent measure. Unfortunately, no earlier opportunity could be granted to me. However, I raise the question now with a hope that such concession may be granted to, and suitable arrangements made for, those who are still desirous of continuing their studies and appearing at the University examinations.

It is really a grievance, my Lord, that the boys, sometimes the only hopes of their aged parents or guardians and some of them only in their teens, should be snatched away by the rough hand of the police and kept in secluded cells, or when outside the jail, often in places infected with malaria and abounding in serpents—left to the care more of nature than of man—under the constant watch of those whose very sight is irritating to them as belonging to that same class of persons who are responsible for bringing them to this their sad plight. But I shall not deal with that aspect of the question as it is not within the scope of my present resolution. Worthier hands have already handled it in and out of the Council Chambers. Nor shall I deal to-day with any other subsidiary questions such as maintenance allowance, family allowance, health of *detenus*, places of domicile and so forth though there is much to complain of even in these. I take this opportunity, however, to congratulate the Government with a sense of relief and a feeling of gratitude on the rules, recently framed and published, for those who are detained within the jails. These rules will be greatly appreciated by the sufferers, and I hope similar rules and necessary arrangements will be made without delay, also for those who are interned outside the jail under Government supervision and control.

If I have understood the Defence of India Act rightly, it provides only for a temporary detention. The persons arrested under its provisons are not convicts in any sense of the word though we sometimes hear that they are treated worse than the worst criminals. It is admitted that the materials available against them are not sufficient for a regular prosecution, and therefore we may take it that they may be guilty or may not be guilty of the offences with which they are charged. So, in the absence of a conviction in an open trial by Courts of Justice, when the period of detention will be over, these *détenus* will surely not be branded as convicts for the rest of their lives but they will be entitled to the full participation of all the rights and privileges equally with other citizens. Is it reasonable, then, my Lord, that on mere suspicion their future prospects should be marred and they should be deprived of a chance of making themselves useful to society and to their families? I, therefore, suggest that the education of these unfortunate boys should not be interfered with, and every facility ought to be granted to them for continuing their studies even during the period of their detention, of course so far as circumstances permit. I might be permitted to refer in this connection to a very recent

Resolutions.

Sir Henry Wheeler ; President ; Babu Kishori Mohan Chaudhuri.

case at Rajshahi. A boy who was appearing at the I.A. examination this year was arrested during the course of the examination. He was not allowed to finish his examination : he had appeared only two days when he was arrested. Was an immediate arrest so very urgently necessary and unavoidable ? Was the boy really so very dangerous—like a plague or inundation—that he must be removed without a moment's delay lest he might contaminate the whole atmosphere with his foul breath ? Were the Government in immediate danger of being overthrown by that boy so that they could not allow him a respite of even three or four days just to finish his examination upon which his whole future life so immensely depended ? And even if his arrest was so very urgent why were not arrangements made for his examination at any place under proper safeguard ? What wonder that people will take the Defence of India Act to be an Act of Oppression. We are sometimes accused of embarrassing the Government by repeated Questions and Resolutions on the working of the Defence of India Act ! But I can assure Your Excellency that that is not so. Indeed, with very great pain we have to refer to these incidents with a hope that Government might clear up their position and rectify the errors, if any, of their subordinates—and has it not been proved by facts that there are errors ! The case cited by me above is not a solitary instance. There have been many such cases. Only the other day another candidate for the I.A. examination was arrested at Rajshahi and after enquiry he was let off just on the eve of the examination after a confinement of little over a week. Did not this boy suffer immeasurably owing to this interruption of studies ? I do not know if he has been able to appear at all at the examinntion. At least there must have been a serious obstruction to the continuity of study, not to speak of the shock he received. Everybody knows how valuable every minute of the days just preceding the examination is to an intending candidate. We, my Lord, understand it. But those with whom this task of arrests under the Defence of India Act is entrusted seem not to understand—they are callous enough. Supposing the boy who has been arrested during the course of the examination is set free after the usual enquiry, who, my Lord, will be responsible for this loss of one year, at the least, the boy has been compelled to suffer ?

"Here, my Lord, I may be permitted to observe that I do not understand why arrests are made before the enquiry. What is the enquiry that is made after the arrest ?"

The Hon'ble SIR HENRY WHEELER said :—

"Sir, I rise to a point of order. The question whether arrests are made before enquiry or afterwards has nothing to do with the Hon'ble Member's resolution."

The PRESIDENT said :—

"The Hon'ble Member must confine himself to arguments which bear upon the actual terms of his resolution. I have allowed him a considerable latitude ; but if he adduces arguments which have no actual bearing on the resolution, I must ask him to omit them."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI continuing said :—

"My Lord, we shall perhaps be told that there are reasons for this unusual procedure which we cannot know as they are State Secret. But I think some explanation ought to be forthcoming.

"There are several other anomalies in the operation of the Defence of India Act which we do not understand. In passing, I may be permitted to refer to one of these, *e.g.*, the question of allowance to *détenus* outside the jail."

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President; Babu Kishori Mohan Chaudhuri.

The PRESIDENT said :—

"The Hon'ble Member should resume his seat when I rise to speak. I fail to see what bearing this argument on the subject of allowances to *détenus* has on the resolution."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI continuing said :—

"Very well, my Lord, as I was saying, the Defence of India Act is a war measure and this somewhat ordinary application of Bengal Regulation III of 1818—which is also an extraordinary measure—is also made for the purposes of the war—we are told—both intended for vesting the executive with some extraordinary powers to be used only under extraordinary circumstances—viz., the power of periodical suspension, of the Habeas Corpus, of the natural civil rights of man as man—therefore of incarceration of men without trial—the application of both of these is a purely executive measure where courts of law cannot reach. But both are intended only for keeping those persons, whom the executive think to be dangerous, aloof, for the time being, from their usual surroundings. And, to my mind, the executive must stop there—I mean only to the extent of keeping such persons aloof—and should not proceed any further. It necessarily follows that these persons cannot be accorded the same treatment as is meted out to the convicts, and as far as possible they must be kept in the same state of life as they used to live. It also follows, as I have pointed out before, that they will again enjoy the same rights and privileges as they used to enjoy before their internment, after the period of detention is over—for they are not convicts. From this does it not follow that only such restrictions are to be placed upon such persons as are absolutely indispensable, that is to say, they should also be allowed to continue their usual vocations in life. Here, my Lord, the case of student *détenus* can be distinguished from other cases for even during their detention they can be allowed to continue their studies without any possible harm to the Government. Of course, they may not have the advantages of collegiate education, but they can pursue their studies at their places of internment. And is it not also practicable to allow them to appear at the college and University examinations? They can very well be examined at their places of internment or at any other place under proper safeguards. I do not really see, my Lord, the least possibility of harm to the Government in taking this course. On the other hand, if these boys are not allowed to go on with their studies—what is the result? The result is that when these persons are set free again they have to begin their life anew and perhaps they are then too old to begin their studies afresh. And though the Act does not intend to brand them as convicts, the operation of the Act in this country and more especially the methods of that hallowed infallible department known in this unfortunate country as the C. I. D., do as a matter of fact brand them as the worst set of confirmed criminals—for ever pursued by the Criminal Investigation Department wherever they go, resulting in this that these unfortunate persons are more miserable than ever, getting no employment, having no community because scaring away everybody—in short they are ruined persons—and what is the next thing they are likely to do? Either they must commit suicide, as some recent cases have shewn, or they will have to resort to unlawful acts for their bread and for the sake of some employment whatsoever. And who, my Lord, is responsible for this sad result? There is perhaps no escape from the unhappy conclusion that it is the Criminal Investigation Department or the operation of the Defence of India Act. Was this result intended by the Legislature? At least I do not think so. Is this also the way, my Lord, how the very serious problems of unemployment and discontent in this country are being solved?

With these words I commend this resolution to the acceptance of this Council."

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Rai Mahendra Chandra Mitra Bahadur; Sir Henry Wheeler.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said:—

"My Lord, the object of this resolution is a very simple one—that steps may be taken to provide facilities under proper safeguard to those *détenus* who may desire to appear at the next University examinations. If they are not allowed to appear at the next University examination the result will be that their future prospects will be marred. So that such facilities should be offered to them for appearing at the ensuing examinations. But if they are not allowed to do so, it will be found that their future prospects are all gone. In that view of the matter I support the resolution."

The Hon'ble SIR HENRY WHEELER said:—

"My Lord, I propose to confine myself to the subject of the resolution and not to stray beyond it into the contentious and perennial topic of the general merits or demerits of the police.

"The resolution has reference to the appearance of boys who are dealt with under the Defence of India Act at their examinations, and the subject is one regarding which the facts ought to be known to the Hon'ble Members of this Council as they were given in answer to a question on the 3rd July last. It was then stated:—

'In a few cases permission has been given to *détenus* to leave a domicile for the purpose of attending an examination, but it has been made perfectly clear to them and their relatives that permission to appear at the examination rests ultimately in the discretion of the Educational authorities. Where permission has been refused, it w s for the general reason that in the circumstances of the individual case it did not seem suitable that the privilege should be allowed.'

"That has been and is the position of Government in this matter; but it was found that in the past misunderstanding arose owing to the fact that orders had been issued saying that Government *had no objection* to such and such a boy appearing at his examination. Now, to appear at an examination under the regulations of the University, a candidate is required to have a certificate, firstly that he has attended a certain number of lectures, and secondly that the Principal of the institution in which he has been studying knows nothing against his moral character. It was assumed and argued in some quarters that these orders of Government meant that it was the intention and wish of Government that these conditions should be waived in the favour of the particular candidate. Obviously, this was an entirely erroneous impression. All that was meant was that, assuming that a boy was given permission by the University authorities to appear at an examination, Government might, if the case was a suitable one, suspend the disabilities that were imposed on him under the Defence of India Act, and thus enable him to go to the place of examination without committing a breach of the rules.

"The matter was argued in the Calcutta University last year in the case of a particular boy who was a *détenu* and who had been attending the Dacca College. The Principal of that college had refused to sign the certificate that he knew nothing against the moral character of the candidate. The question was raised in the Syndicate of waiving the regulations in favour of the boy, stress being laid on the argument, to which I have referred, that Government had said that they *had no objection*. The recommendation of the Syndicate was submitted to the Senate and was argued on two occasions. I have been unable to obtain a copy of the detailed discussion, which, I understand, has not yet been printed, though six or seven months have since elapsed; but I am told by those who were present that there was a considerable difference of opinion in the Senate, and eventually the resolution to the effect that

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Maulvi A. K. Fazl-ul-Haq; Rai Radha Charan Pal Bahadur.

the regulations be rescinded in this instance was withdrawn. That, Sir, is the position. A boy, quite apart from any action of Government, has to obtain a certificate of attendance at lectures and another as to his moral character; the fact that he has been interned will be an obstacle to both. Our position is as explained in the answer to a question which I have already quoted, namely, that if the Educational authorities allow a boy to appear at his examination, assuming that he is able to get these certificates, Government will then consider whether, looking to the circumstances of the case and the reasons for which he was interned, it is practicable to allow him to attend at the place of examination. That will be judged on the merits of the case. Permission may be granted or refused; it will altogether depend on what the facts of the case are. That being so, I am unable to accept the resolution which asks us to provide facilities regarding which, as I have explained, the initial difficulty is that of satisfying the requirements of the University, while even if that was met, there would still remain the consideration of the merits of each individual case."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, although I have not been able to follow the Hon'ble Babu Kishori Mohan Chaudhuri who moved this resolution, I think it my duty, on reading the resolution on the agenda paper, to say a few words in support of it. I do not think, my Lord, that there is a single member of the Council who does not realize that we are passing through critical and anxious times, and that the Government have got the right in these extraordinary times to adopt extraordinary measures for the sake of public peace and tranquillity. The Defence of India Act from that point of view is certainly an extraordinary measure which the Government have adopted, and the only difference in the points of view of the people and the Government lies in the fact that in some cases at least the Act has been unnecessarily and harshly imposed. One of the general complaints which I have heard is that some of the *détenus* are not given permission, not to speak of facilities, for appearing at various examinations. From all that I could understand from the speech of Sir Henry Wheeler I find that in some cases Government did give permission to certain *détenus* and if they could not appear at the examination it was due to causes over which Government had no control. I take it, therefore, that the principle recommended in the resolution is acceptable to Government and in this view of the matter I would respectfully urge upon your Excellency's Government to consider if the matter could not be discussed with the University authorities and the resolution accepted in the form in which it has been moved in this Council. We all know that the Defence of India Act is only a preventive measure and that it has only been enacted for the preservation of public safety and tranquillity; and if my view is correct then it is only natural that we should expect that the Act should not be set in motion so as to cause more hardship than can possibly be avoided. We all know, and experience has taught us, that suspected guilty persons when they find their future almost blasted stray further and further from the path of virtue and ultimately become hardened criminals. Therefore, I submit that in the interests of society some of these *détenus* ought to be granted every facility for appearing at the examinations, so that after their release they may follow a useful career in life. With these words I commend this resolution for the acceptance of the Council."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I rise to support the resolution moved by my Hon'ble friend Babu Kishori Mohan Chaudhuri. And in doing so, I assure your Excellency

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Babu Kishori Mohan Chaudhuri.

that I would confine myself to the terms of the resolution and the reply given by Sir Henry Wheeler. My Lord, it is unnecessary for me to impress upon your Excellency's Government that this subject has been a subject of much excitement and agitation in our community. My Lord, I am not entering upon the question of internment at all. On this subject there is of course difference of opinion. All that we are at present concerned with is to impress upon the Government the necessity of so dealing with the *détenus* who had been carrying on their studies in schools and colleges before their detention, that after their release they may not turn into hardened criminals and do mischief not only to society but to the Government as well. My Lord, it is admitted that these arrests are made on suspicion. I do not wish to enter into the question whether arrests on suspicion are justified or not. This is not the time nor the place. But after all when these youngmen are arrested on suspicion the Government should be benevolent enough to see that they are fairly and generously treated—although they are kept under restriction. Those of them who were students should be allowed to continue their studies under proper safeguards and to appear at the examinations if they desire to do so. The Hon'ble Sir Henry Wheeler has stated that permission has been given in certain cases, and every individual case was considered where permission was not given. My Lord, we submit that whatever the circumstances of individual cases may be—they are known to the Government alone—it would be doing no harm either to the Government or to society if these boys are allowed to appear at examinations. It is stated that there are difficulties so far as the University is concerned. I am sure, my Lord, if the Government is inclined to grant them facilities some arrangements can be made with the University authorities to allow these boys to appear at the examinations or to continue their studies even in the places of their confinement. If this is done the interest of society will be safeguarded and they will be brought up as loyal and law-abiding citizens because education will improve their mind and character. And this arrangement can be made under proper safeguards. It seems that in many cases of detention, education is abruptly brought to an end, and the boys are turned into a band of discontented youths. But if this suggestion is followed, it will allay much discontent; otherwise, when the *détenus* come out, they will come out in a state of mind which I regret to think will not be quite compatible with the character of good citizens. Some generosity ought to be shown to these boys, and this little act of generosity will be very much appreciated by the parents and relatives of the *détenus*, and I hope something may be done in this direction. I yet hope, my Lord, that public opinion will act upon the mind of the Government. I am not yet without hope. In this Council Chamber I had the honour of moving for an advisory board of non-official visitors for the *détenus* and it was opposed by Sir Henry Wheeler, but in the cool heights of Simla the suggestion which I made before this Council seems to have found favour. I yet hope that without in anyway interfering with the policy of the Government, without in anyway fettering the hands of the Government, something may be done for the education of these boys. I hope Sir Henry Wheeler will kindly consider it in his calmer moments outside the Council Chamber."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, after what has been said by my friends, the Hon'ble Maulvi Faz-ul-Huq and the Hon'ble Rai Radha Charan Pal Bahadur, I think it is not necessary for me to add anything more to what I have already said in my previous speech. I appeal to your Excellency that something may be done for those boys, and I hope that the Council will accept my proposal by granting the necessary facilities."

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Babu Akhil Chandra Datta.

A division was then taken with the following result:—

Ayes—18.	*Noes—22.*
The Hon'ble Dr. Nilratan Sarkar.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" Mr. Aminur Rahman.	" Sir S. P. Sinha, Kt
" Raja Hrishikesh Laha, C.I.E.	" Mr. N. D. Beatson Bell, C.S.I., C.I.E.
" Kumar Shib Shekhareswar Ray.	" Mr. T. C. P. Gibbons, K.C.
" Babu Brojendra Kishor Ray Chaudhuri.	" Mr. C. J. Stevenson-Moore, C.V.O.
" Rai Debender Chunder Ghose Bahadur.	" Mr. J. H. Kerr, C.S.I., C.I.E.
" Rai Radha Charan Pal Bahadur.	" Mr. J. Donald, C.I.E.
" Dr. Abdulla-al-Mamun Suhrawardy.	" Mr L. S. S. O'Malley.
" Maulvi Abul Kasem.	" Mr. F. A. A. Cowley.
" Mr. M. Ashraf Ali Khan Chaudhuri.	" Lt.-Colonel W. J. Buchanan, C.I.E., I.M.S.
" Maulvi A. K. Fazl-ul-Haq.	" Mr. C. H. Bompas.
" Khan Sahib Aman Ali.	" Mr. W. C. Wordsworth.
" Babu Akhil Chandra Datta.	" Mr. C. F. Payne.
" Rai Mahendra Chandra Mitra Bahadur.	" Mr. E. B. H. Panton.
" Babu Surendra Nath Ray.	" Rai Priya Nath Mukharji Bahadur, I.S.O.
" Babu Mahendra Nath Ray, C.I.E.	" The Nawab Bahadur of Murshidabad.
" Mr. K. B. Dutt.	" Sir Rajendra Nath Mookerjee, K.C.I.E.
" Babu Kishori Mohan Chaudhuri.	" Mr. J. Mackenzie.
	" Mr. W. H. H. Arden-Wood, C.I.E.
	" Mr. F. W. Carter, C.I.E.
	" Mr. W. E. Crum.
	" Mr. E. B. Eden.

The following member abstained from voting :—

The Hon'ble Rev. Dr. G. Howells.

The following members were absent :—

The Hon'ble Mr. R. Glen.
" Mr. Provash Chunder Mitter.
" the Maharajadhiraja Bahadur of Burdwan.
" Mr. Arun Chandra Singha.
" Dr. Deba Prasad Sarbadhikari, C.I.E.
" Mr. E. A. Martin.
" Mr. H. R. A. Irwin.
" Babu Bhabendra Chandra Ray.
" Mr. Altaf Ali.
" Rai Sri Nath Ray Bahadur.
" Babu Ambika Charan Mazumdar.

The *ayes* being 18 and the *noes* 22, the resolution was lost.

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble BABU AKHIL CHANDRA DATTA moved the following Resolution :—

This Council recommends to the Governor in Council the issue of an order prohibiting the accommodation in solitary or separate cells of any political prisoner arrested or imprisoned under the Defence of India (Criminal Law Amendment) Act, 1915, or Bengal Regulation III of 1818.

He said :—

"The views of the Indian public on the question of solitary confinement of political prisoners in cells have been brought to the notice of the Government on numerous occasions in this Council in the shape of interpellations. I do not propose, therefore, to make a lengthy speech on this occasion. I shall only state my objections *ad seriatim*. I protest against confinement in

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Sir Henry Wheeler.

solitary cells because it is illegal. I protest against solitary confinement because according to medical opinion it is injurious to health, inducing mental break-down I protest against it because we learn from Major Arthur George Frederick Griffiths, His Majesty's Inspector of Prisons, that some advanced thinkers have denounced the institution of separate cells as the greatest crime of the present age. I protest against it because the history of solitary confinement in Bengal for the last three or four years has established beyond doubt that the inevitable effect of such confinement in most cases is not only mental break-down, but also insanity in some cases. I protest against it because cloistered seclusion is an artificial condition quite at variance with human instincts and habits. I protest against it because Bengal Regulation III of 1818 lays down that due attention should be paid to the health of every state prisoner confined under that Regulation. I protest against it because apart from the express provision of the Regulation, the principle cannot be disputed that every political prisoner is the ward of the State, and the State is bound in law and honour to take proper care of his health. I protest against it because in spite of our repeated requests the Government have not yet told us why and under what law political prisoners are confined in solitary cells. Some time ago I asked for information why Jyotish Chandra Ghose was confined in a solitary cell. This question was a part of a larger question consisting of several clauses. All the other parts were answered, but no information was vouchsafed on this point. The question was simply passed over without giving any answer or reason. I seriously complain against this sort of procedure. My question was admitted by Your Excellency and I had a right to get an answer. But I thought the omission might not after all be intentional, and might possibly be due to an oversight on the part of the Secretary. The withholding of the information confirmed the suspicion of the public that the solitary confinement of Jyotish was absolutely indefensible. But I was still anxious that the Government should not be condemned unheard. With that object in view I repeated my question in a subsequent meeting, thus giving the Government an opportunity to explain their position and take the public into their confidence. But, my Lord, on this occasion the question itself was disallowed. I appeal to Your Excellency to consider whether this procedure is calculated to allay the discontent which nobody can deny exists in the public mind. My Lord, the public are thus quite in the dark as to the grounds and circumstances under which political prisoners are confined in solitary cells. I maintain the public have a right to know why such an extreme measure should be adopted by the Government with respect to political prisoners who after all are not ordinary criminals.

My Lord, I insist on justice and fair treatment for these people."

The Hon'ble SIR HENRY WHEELER said:—

"Sir, the resolution before the Council has reference to men falling under three categories: those who are detained under Regulation III of 1818, those who are arrested, and those who are imprisoned under the provisions of the Defence of India Act. In so far as the resolution touches upon men detained under Regulation III, these men are dealt with under the instruction and authority of the Government of India, who sign the warrants for their detention, and to that extent the question is somewhat outside the purview of the local Council. But, in so far as it has been raised, and certain arguments have been used which have also a bearing on men to whom the provisions of the Defence of India Act have been applied, and [illegible] complaints of the [illegible] now adduced have been [illegible], we are glad enough to explain the facts in order, [illegible] some of the suspicions which seem to weigh upon the minds of [illegible] Members.

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"In the first place, I may so far lighten the discussion by stating that persons who are convicted of any offences under the Defence of India rules are treated like ordinary convicts. That, therefore, merely leaves those who are dealt with under Regulation III of 1818, and those who are under detention under the Defence of India Act pending enquiry.

"The use of the word 'cells' has been taken advantage of to conjure up pictures which are not consistent with the actual facts. From the criticisms occasionally made it might be inferred that the cell in an Indian prison is some evil dungeon into which people are thrown, to be cast aside, forgotten by man and cut off from all communication with the outer world. The cell in an Indian jail is not, however, of that character; as doubtless those who are visitors of jails have seen, cells are separate compartments, usually in a row, either facing a common yard or, in some cases, separate yards in the form of small enclosures attached to them. The reasons why men dealt with under Regulation III are placed in cells are mainly three: In the first place if they are not placed in these cells, they would be grouped with ordinary convicts, and against that course there would certainly be complaints, and reasonably so. Secondly, by placing these men in cells, it is possible to afford them more favourable personal treatment in certain respects than would otherwise be the case. I will explain later how in certain matters these men are given special treatment. Thirdly, in the interests of jail discipline, it is impossible to allow these men unrestricted association among themselves. Many of them are dangerous characters; if they are allowed unrestricted association there is every reason for believing that they will conspire against the discipline of the jail and get into communication with the outer world. We have had examples to that effect in the past. I need merely remind the Council of the earlier days of the seditious movement when, by reason of a certain amount of laxity in supervision, revolvers were smuggled into a jail and a gross murder was committed. Hon'ble Members have also probably seen what recently happened at the Hazaribagh Jail, where prisoners connected with the seditious movement overpowered their warders and escaped in considerable number. It is essential, therefore, that we should have regard to the maintenance of jail discipline by exercising such precautions as we may consider necessary.

"I will now deal with the allegation that these men are held in solitary confinement—a statement which is often made; I assert that it is not true, and my answer to the Hon'ble Member's long category of protests is that these men are not treated in solitary confinement. Solitary confinement is a definite and defined thing, and I may explain to the Council what it means under our rules. There are three categories of confinement which are popularly called solitary confinement, *namely*, solitary confinement proper, cellular confinement, and separate confinement. These are defined as follows in our Jail Code:—

'Solitary confinement' is confinement in a cell, with or without labour, so as to entirely seclude the prisoner both from the sight of, and communication with, other prisoners.

'Cellular confinement' is confinement in a cell, with or without labour, so as to entirely seclude the prisoners from communication with, but not from sight of, other prisoners.

'Separate confinement' is confinement in a cell, with or without labour, so as to seclude the prisoner whilst in his cell from communication with, but not from sight of, other prisoners.

"That, Sir, is the description of solitary confinement as known to the Jail Code, and I presume it is not to be inferred that we have applied to these men a form of torture which is unknown to the Code.

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"The treatment meted out to these men is as the poles apart from these classes of confinement to which I have just referred, and I will indicate some of the leading points in the rules, which have the approval of the Government of India, regarding the treatment of these men. In the first place, the rules provide, among other things, for special furniture to be placed in the cells, including lanterns, beds, mosquito curtains and mats. These men are allowed to wear their own clothes, and friends may send them extra clothing and bedding. If they themselves are unable to supply sufficient clothing and bedding, the deficiency is made good by Government. They receive at the jail expense the food to which they are accustomed in their own station of life; the *bhadralok* class receive the same quality of rice as is used in the jail hospital. At the discretion of the Superintendent and under the usual restrictions as to examination, friends may send in extra provisions, and, if desired, a reasonable supply of cigarettes and tobacco is provided. They are allowed interviews with their relatives and friends, a special day being set apart for that purpose, and they are allowed to write one or two letters every week. They are not allowed to read newspapers, but recently (they have always been supplied with news of the war) we have allowed them to see the Illustrated Edition of "The Times of India." They are allowed books, both vernacular and English, from the jail library and outside. Special grants have been made to jail libraries in order that books may be provided, and when a desire is indicated to read any special book the Superintendent tries to get it. It is laid down in the rules that, so far as practicable, facilities may be given to obtain any books which they desire. So much as regards their life in the cells, and we now come to the more particular point of the alleged solitary nature of the confinement. Our present rules lay down that all political prisoners shall take exercise outside their cells for a period of at least one hour each morning and evening and during this time they may associate, under supervision, with one another. Apart from this daily exercise, and subject to the ordinary jail routine, they are also allowed to associate together outside their cells except for the period during which they are locked up for their midday sleep. If they wish it, they are allowed to have a course of physical drill, and they are permitted and encouraged to practise carpentry and any other useful work which enables them better to pass their time, while books of instruction, tools and materials, such as wood, etc., are provided for the purpose. I may mention that when I visited the Dacca Jail I came across a person there of an artistic temperament who was busy painting.

"These are the rules which govern the treatment of these men, and I maintain that in no sense can that treatment be described as solitary confinement, but apart from the rules, I may also refer Hon'ble Members to an account which we have had both from the Superintendents of the Presidency and Alipore Jails as to what was actually done with reference to these men, even prior to the most resent amendments which have still further relaxations. It is a living record of what they did, and I will touch upon it briefly. Soon after daylight, about at 5-30 they were unlocked and allowed to exercise separately; after that they had their *chota hazri* at 7-30 A.M., and then they were allowed to associate with one another, the worst class being placed under some degree of supervision and limited to half an hour, but the rest not; during this period they were allowed to play cards, badminton or take any other reasonable forms of exercise. After this period of association the wrost class were allowed to exercise separately and sit outside their cells. They then had their breakfast. I have here details of the food that is given; they are allowed the privilege of cigarettes, fruits and other sweetmeats. At midday they retire to their cells, but in the afternoon, at 4-30, they were let out of their cells again and allowed similar association, after which they had their dinner and were finally locked up for the night.

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Rai Debendra Chandra Ghosh Bahadur; Rai Mahendra Chandra Mitra Bahadur: Maulvi Abul Kasem; The President.

The books of the Presidency Jail library number 482 volumes. Friends may send practically anything, such as clothing, biscuits, fruits, etc., subject to the Superintendent's approval. The special furniture provided for them includes mosquito curtains, table, chair and writing facilities. The account of the Alipore Jail is on similar lines and scarcely needs recapitulation.

"Sir, so long as it is necessary to deal with these men under Regulation III of 1818 and to place them in our jails, we cannot place them otherwise, than in these cells, but to characterise that treatment as solitary confinement is, I submit, an absolute misrepresentation of the facts."

The Hon'ble RAI DEBENDRA CHANDRA GHOSH BAHADUR said :—

"My Lord, after hearing Sir Henry Wheeler, I do not wish to say anything on this resolution".

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR, said :—

"My Lord, I wish to speak on this subject as public mind is agitating over this matter as we read in the papers. Some time ago I put a question in this Council as to the necessity of appointing a visiting committee to examine the condition of the *détenus*. I was told in answer that under the orders of the Government of India the District Magistrate visits these persons. I had an idea in my mind that non-official gentlemen should be allowed to go to the cells or places where the *détenus* are confined. Now if this procedure were allowed there would have been less agitation. The people are of opinion that the health of these persons has been injured. It is a question of fact—some people say "no", some people say "yes". But the whole question may be decided if non-official gentlemen are allowed to examine political prisoners and then they will be in a position to understand whether the rumour that is spreading throughout the country is correct or not. In this view of the matter I beg to support the resolution".

The Hon'ble MAULVI ABUL KASEM said :—

"After the statement of the Hon'ble Sir Henry Wheeler, with reference to this resolution, I do not think I would be justified in speaking on it but at the same time I crave Your Excellency's permission to say a few words with reference to another matter altogether. My Lord, to-day is the last day that the Hon'ble Mr. Beatson Bell sits on this Council—".

The PRESIDENT said :—

"Order, order. I think I had better explain here that the Hon'ble Maulvi Abul Kasem expressed to me a desire to give him an opportunity of saying a few words with regard to the departure of the Hon'ble Mr. Beatson Bell to another province. I pointed out to the Hon'ble Member that without suspending the rules it would be difficult for me to do so and he suggested that he might be able to say a word or two in this connection upon one of the resolutions to be debated. I indicated or intended to indicate to him that I would not listen too strictly to what he said, but here he declares his intention of making a speech on an entirely diffierent subject. I am afraid I cannot stretch the rule sufficiently wide for that. I supposed the Hon'ble Member in the course of his speech would say that he was quite sure that Government always did their best to treat the *détenus* well and that with Mr. Beatson Bell as a Member of that Government there could indeed be no doubt of it, or something of that kind. But as it is I am afraid I cannot stretch the rule so wide as the Hon'ble Member requires"

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Rai Radha Charan Pal Bahadur ; Babu Akhil Chandra Datta.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I am not speaking of Mr. Beatson Bell whom we ought to bid a respectful farewell as we are now living in solitary cells, but we may have occasion to do so after this item is finished. I have listened with great interest to the speech of the Hon'ble Sir Henry Wheeler. Whenever a lucid and clear explanation is given which satisfies the most inquisitive amongst us we are the first to come forward and thank the Government or the Member of the Government who gives us an opportunity of doing so. I thank Sir Henry Wheeler for the very lucid and interesting statement that he has made and the information he has given.

My Lord, he has quoted some of the jail rules and I am sure that when he himself visited some of the jails he found that these rules were being observed, but, my Lord, there is a widely different public feeling outside the Members of your Government and amongst the non-official visitors of the jails. When some of these visitors (I have been honoured with an appointment) expressed their desire to look into the condition of some of these political prisoners under the Defence of India Act they were told that it was not their function to do so and they are simply to look into the condition of the ordinary criminals. They had naturally to turn their steps in another direction. My Lord, I accept unhesitatingly the information given by the Hon'ble Sir Henry Wheeler, but as the Hon'ble Rai Mahendra Chandra Mitra Bahadur has said it would be much more gratifying to our community and to the people concerned if the non-official visitors were allowed the same opportunity of judging the condition of these prisoners and of seeing how they are treated there.

I think, my Lord, in this respect some orders may be isseud to the jail authorities. I have seen some cells in the jails provided with tolerably good furniture where, as far as I could see, Anglo-Indian and Chinese prisoners, were placed, but I have not seen the cells where political prisoners or prisoners under the Defence of India Act are placed and therefore cannot say anything about them. The Hon'ble Sir Henry Wheeler has visited some of these cells and we must accept his statement. I hope that some steps may be taken to give a larger opportunity to my countrymen to see the condition of these prisoners in jail."

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"My Lord, I have learnt with great pleasure that rules on the subject by themselves are nothing but desirable, but at the same time allow me kindly to say this, that if I have been able to follow the reply of the Hon'ble Sir Henry Wheeler I do not think he has said anything with respect to that portion of my speech in which I said that as a matter of fact solitary confinement of the political prisoners have led in many cases to mental break-down and in some cases to actual insanity. I may take it that is a suggestion which it was not intended to be rebutted. If that is so, the rules, however good in themselves, can serve no useful purpose whatsoever. It is not the first time that I have made the allegation in this Council : the allegation has been made, if I remember aright, for more than a year *in the press* and if in spite of that representation and if in spite of the allegation that I made in my initial speech there is nothing to be said on behalf of Government, my submission is that the rules, however good they may be, cannot bring salvation. I am inclined to place very much value upon the excellence of the rules only if it is a fact that my complaint is based upon a mere misrepresentation and there is no such thing as solitary confinement in solitary cells of political prisoners. If that is so and if that is true then, my Lord, my submission is that I do not see why there should be any objection on the part of Government in accepting at all events that portion of

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Sir Henry Wheeler; Babu Akhil Chandra Datta.

my resolution which runs like this: "This Council recommends to the Governor in Council to issue an order prohibiting accommodation in solitary cells." I am deleting only these two expressions "solitary cells." Then so far as my resolution relates to solitary cells that may be accepted by the Government rejecting that portion which refers to "separate cells." If this is accepted by Government I am quite prepared to withdraw my resolution with respect to separate cells."

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, I did not follow clearly part of the Hon'ble Member's remarks, but he seemed to contend that the statements, which he claims to have repeatedly made in this Council, that the mental condition of these men has been affected by the solitary nature of their confinement, have not been challenged and that he may therefore take it that these statements are correct and unrebutted; I can only point out that I have been endeavouring, for the last ten minutes or so, to explain that these men are not subjected to solitary confinement at all, and that whatever unfortunate results to their health may have happened, they cannot be attributed to that cause.

"As regards the suggested amendment of this resolution, I object, and I object on principle. A resolution is debated as it is framed, and to amend it after discussion is merely calculated to lead to misunderstanding as to what was, or was not, the attitude of Government. I have already stated that so long as these men are in our jails, they must be put in cells and that cannot be avoided; I am not prepared to accept any modification of the resolution which might afterwards be construed as an assurance that these men would not be placed in cells. Our contention is that they are not placed in solitary confinement in the ordinary acceptance of the term."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble BABU AKHIL CHANDRA DATTA moved the following Resolution :—

This Council recommends to the Governor in Council that a Medical Board be appointed consisting of officials and non-officials—

(a) to examine Babu Jyotish Chandra Ghosh who is now under detention under Bengal Regulation III of 1818 in the Berhampore Lunatic Asylum;

(b) to ascertain whether he is insane;

(c) if he is found to be insane, to investigate into the causes of his insanity;

(d) to submit a report about the present condition of his health; and

(e) if necessary, to consider what steps should be taken for his treatment.

He said :—

"My Lord, there has been considerable discussion about this matter in the press which for the sake of argument, let me say, may be based upon absolute misrepresentation. But at the same time I do submit that in view of the persistent and prolonged character of that misrepresentation it is desirable in the interest of the Government, that it should be removed and that very useful purpose will be served by the Board which I have recommended in this resolution. The appointment of that Board will not do any

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injury to anybody. Their report may be bad or indifferent. And even if it is a bad report it will not bind the Government in any way. The *personnel* of the Board will be in the hands of the Government. But if a Committee is appointed it will show that Government is willing to conciliate public opinion so far as this particular matter is concerned. Therefore I hope Your Excellency's Government will see their way to accept this resolution.

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, in so far as this particular individual is being dealt with under Regulation III of 1818, the remarks which I made in connection with the previous resolution as regards the proper place for its discussion, are applicable, but for somewhat similar reasons, and especially having regard to the publicity which has been given to this case and the criticisms which have been made about it, we are glad to have this opportunity to explain here what the facts are.

"The first point, which I would like to make clear, is that, although this man is actually at this moment detained under Regulation III of 1818, it is merely on account of his health that he has not been placed on his trial for serious and grave offences. His prosecution for the grave offence of waging war against the British Crown and certain other cognate sections had been actually sanctioned in May last. The court which would have tried him had been constituted, and he would have been put on his trial had it not been for the fact that a mental breakdown supervened and he was certified by our medical officers as unfit to stand his trial. I think that this fact is little known to the outside world, when we are accused of having kept this man in jail without bringing any charges against him ; the facts are that he is in a position more akin to that of an under-trial prisoner.

"The general tenor of the statements and criticisms which have been made about this case—I am not particularly referring to what has been said in this Council, but to what we frequently read in the newspapers—is that it is owing mainly to the harsh and brutal treatment to which this man has been subjected that his mind is giving way, and that Government have dealt with his case callously and brutally. I hope to be able to show that this is not true.

"Ever since the mental condition of this man gave cause for anxiety, it has been carefully examined both by this Local Government and the Government of India, and I have here a bulky file of reports which have been submitted to the Government of India on this case. His mental state first gave cause for anxiety while he was in the Rajshahi Jail, and another prisoner was told off to keep him company. Early in April, Major Peebles, who is our recognised expert on mental diseases, was specially sent from the Berhampur Lunatic Asylum to examine the case. Orders were similarly issued by the Government of India at that time that the man should be given any amenities which could be safely allowed and which were likely to conduce to the restoration of his health. On the 6th March, at a time when he was merely suffering from melancholia and hallucination, the District Magistrate of Rajshahi definitely reported that he had no complaint to make about his treatment. That was when he was in the Rajshahi Jail. Subsequent to the visit of Major Peebles, he was transferred to the Berhampur Jail in order that Major Peebles might exercise constant supervision over him. That was in the beginning of May, and there again another prisoner was told off to keep him company. In June, we sent Col. Deare, who is one of the leading physicians of Calcutta, specially to see this man in consultation with Major Peebles. In August, after this man had been seen several times by Lieutenant-Colonel Buchanan, who although visiting the jail in his capacity as

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Rai Debendra Chandra Ghosh Bahadur; Babu Akhil Chandra Datta.

Inspector General of Prisons, is, as we all know, a medical man, he was transferred to the Berhampur Lunatic Asylum, on Lieutenant-Colonel Buchanan's advice that he would be better treated in the asylum than was possible in the jail. Subsequent to that, Major Peebles was transferred to the Lunatic Asylum at Ranchi and Major Moses came to Berhampur. Early this year we again sent up Captain Hume, attached to the Presidency General Hospital, to examine the case in consultation with Major Moses. Therefore, ever since February last, we have had constant and repeated examinations of this man by the best medical opinion available, and Government have kept in a constant touch with the various stages through which his case has passed. However, we have done more than this. Some time before we had notice of this resolution we decided to address the mother of the man to the effect that if it would tend to satisfy her apprehensions to call in a non-official medical man of her own choice, we would give him all facilities. She has since nominated Dr. Mrigendra Lal Mitra of this city and we have addressed him asking whether he is willing to go. If he is willing to do so, we shall constitute another Board probably consisting of him, Major Peebles, Captain Hume and Major Moses who is in charge of the case. We shall therefore again receive their opinion, and on its receipt we shall give it our full and careful attention in consultation with the Government of India. As has been previously stated in this Council, the substance of the reports that have been received at one time or another is to the effect that, whatever may be the case now, there are reasons for believing that this man began probably by malingering and feigning insanity; but it was pointed out even at that time that it was possible that he would induce a state of real insanity. Whether this has occurred or not, it is now for the Medical Board to say, but it is a question whether a state of melancholic stupor may not now have intervened. However, we shall have this further Board and we shall see what their opinion is.

"These, Sir, are the facts. If it is understood that what is being done covers what is intended by the resolution, I have no objection to allow the resolution to go as accepted, since it merely suggests steps which have been already taken."

THE Hon'ble RAI DEBENDRA CHANDRA GHOSH BAHADUR said:—

"My Lord, after what has fallen from the Hon'ble Sir Henry Wheeler, I do not wish to weary the Council by saying anything further. I am gratified to hear that Government is prepared, as I gather, to accept the resolution."

THE Hon'ble BABU AKHIL CHANDRA DATTA said:—

"My Lord, as far as I have been able to follow the Hon'ble Sir Henry Wheeler, he practically accepts my recommendations. In view of this decision I have only to express my gratefulness to him and I have nothing more to add."

The motion was then put and agreed to.

The Council was then adjourned to 11 A.M., on Thursday, the 4th April, 1918, at Government House, Calcutta.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA,

The 12th April, 1918.

APPENDIX A.

(REFERRED TO IN THE ANSWER TO QUESTION NO. I).

Statement showing the amounts of which payments were sanctioned by District and Local Boards in the Burdwan and Presidency Divisions during 1917 for the excavation of tanks specially reserved for drinking water, inclusive of charges on account of land acquisition.

District and Local Boards.				Amount.
				Rs.
Burdwan District Board	...	...	...	1,208
Midnapore ditto ...	...	...	...	7,335
Sadar Local Board, Hooghly	...	...	...	2,000
Serampore Local Board	...	...	...	7,660
Howrah District Board	...	...	...	5,155
24-Parganas District Board	...	...	...	90,676
Murshidabad ditto	...	...	...	3,021
Jessore District Board	...	...	...	14,214
Khulna ditto	...	...	...	12,049
Birbhum ditto	...	...	...	882
Nadia ditto	...	...	...	450

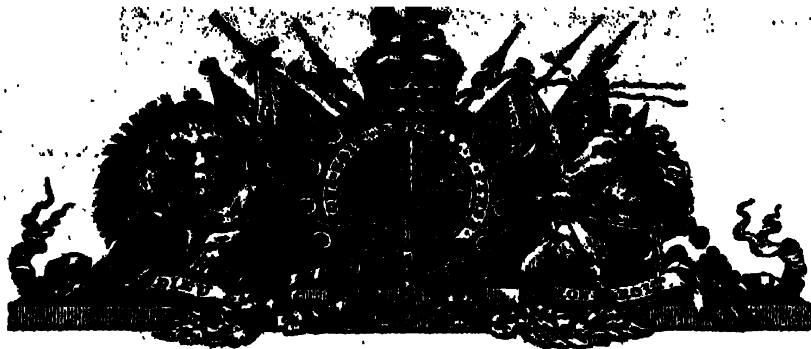
No other payments are reported as having been sanctioned by other District and Local Boards in the Burdwan and Presidency Divisions.

APPENDIX B.

(REFERRED TO IN THE ANSWER TO QUESTION NO. II).

Statement showing the number of passengers who travelled to and from Nabadwipa station on the East Indian Railway and the amount of fares earned thereon by the East Indian Railway each year, since the opening of this station.

PERIOD.		FROM NABADWIPA.		TO NABADWIPA.	
		Number of passengers.	Fares earned by E. I. Ry.	Number of passengers.	Fares earned by E. I. Ry.
			Rs.		Rs.
1-4-1912 to 31-3-1913	...	63,373	35,415	72,324	32,688
1-4-1913 to 31-3-1914	...	69,237	40,522	79,635	41,270
1-4-1914 to 31-3-1915	...	72,118	41,360	85,132	44,355
1-4-1915 to 31-3-1916	...	81,692	43,503	90,983	46,149
1-4-1916 to 31-3-1917	...	89,923	44,011	93,160	45,141
1-4-1917 to 28-2-1918	...	64,888	39,840	66,858	44,663



The Calcutta Gazette

WEDNESDAY, APRIL 24, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Thursday, the 4th April, 1918, at 11 A.M.

Present:

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, Presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. N. D. BEATSON BELL, C.S.I., C.I.E.

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble MR. T. C. P. GIBBONS, K.C.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

Hon'ble LT.-COLONEL W. J. BUCHANAN, C.I.E., I.M.S.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. E. B. H. PANTON.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF 'ALI MIRZA KHAN BAHADUR OF MAHABAT JANG, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble MR. J. MACKENZIE.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. R. GLEN.

The Hon'ble REV. DR. G. HOWELLS.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI, C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E.

The Hon'ble MR. E. B. EDEN.

The Hon'ble MR. E. A. MARTIN.

The Hon'ble DR ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

Questions and Answers.

(*b*) Is it a fact that the Deputy Commissioner of Police, Southern District, Calcutta, hears the reports of all police cases in his report room at Fenwick Bazar to which the public are admitted?

(*c*) Is it a fact that the Deputy Commissioner of Police, Northern District, Calcutta, hears the reports of all police cases in his report room at Jorabagan to which the public are not admitted? If so, why?

(*d*) Is it a fact that the pleaders appearing for parties are sometimes admitted and sometimes not admitted into the report room of the Deputy Commissioner, Northern District?

(*e*) Is it also a fact that the pleaders and other people are not provided with seats either inside or outside of the Deputy Commissioner's report room at Jorabagan, and that they have to wait for hours in crowded corridors before they can gain admission to the report room?

Answer by the Hon'ble MR. KERR:—

"The public and pleaders appearing for the parties are ordinarily admitted while reports are being heard, but the hearing of reports is not a judicial proceeding, and the public and members of the legal profession have no claim to admittance as of right. This practice was followed when reports were heard by the Commissioner personally, and is continued now that they are heard by the Deputy Commissioners. There is no difference between the practice in the Northern and Southern Districts, but in the Northern District, the report room is so small that only a limited number of the public can be admitted at one time. Seats are provided in the report room, and the Bar Library and Counsels' waiting-room is only fivey ards away."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ:—

*4.

The case of Raj Lakhi Dasi.

(*a*) Is it a fact that Mr. D. S. Maclure, Deputy Commissioner of Police, Northern Districts, Calcutta, ordered the detention of a girl named Raj Lakhi Dasi in the "Refuge" in Bow Bazar Street, Calcutta, in November last?

(*b*) If so, under what provision of law was she ordered to be so detained?

(*c*) Is it a fact that a Deputy Commissioner of Police in Calcutta has legal authority to order the detention of any person in a "Refuge"? If so, what is that authority?

(*d*) Is it a fact that the girl Raj Lakhi was not charged with any offence before she was ordered to be detained in the "Refuge"?

(*e*) Is it a fact that a Deputy Commissioner of Police can only order the detention of offenders with a view to their being brought before a Presidency Magistrate?

(*f*) Are the Government considering the desirability of having the girl immediately released from detention?

Answer by the Hon'ble MR KERR:—

"The facts of the case are as follows:—

The girl Raj Lakhi Dasi, who is about 13 years of age, was kept as a prostitute in a common brothel by a woman who claimed to be her mother. The girl states that she ran away from the brothel on account of the woman's ill-treatment and fell into the hands of certain Jews from whom she was rescued by the police. As the girl expressed her unwillingness to return

Questions and Answers.

to her alleged mother, the Deputy Commissioner arranged for her to be received at the "Refuge" in Bow Bazar. The woman thereupon filed a complaint under sections 341 and 342 of the Indian Penal Code and under section 18 C (c) of the Calcutta Police Act against the Deputy Commissioner and the Superintendent of the "Refuge." The Second Presidency Magistrate caused the girl to be produced before him, and then dismissed the complaint under section 203 of the Code of Criminal Procedure. An application was filed in the High Court for the revision of the Magistrate's order, but the High Court refused the application. In these circumstances, Government do not propose to interfere in the matter."

By the Hon'ble RAI MAHENDRA CHANDRA MITTRA BAHADUR :—

*5.

(a) Is it a fact that certain Departments of the Bengal Secretariat remained open on the 11th March, 1918, Sivaratri day, an important Hindu festival? Holidays in the Bengal Secretariat.

(b) Is it a fact that Sivaratri day is considered a local holiday?

(c) Are the Government aware that representations were made by the Hindu assistants to observe the day, but to no effect, and that even a half-holiday was not given to them?

(d) Will the Government be pleased to state which Departments were kept open on that day?

(e) Are the Government aware that the Hon'ble Mr. Beatson Bell from his seat in Council declared on the 4th September, 1916, that such holidays can be given to clerks on religious grounds?

(f) Are the Government considering the desirability of making an inquiry as to why this principle was not adhered to in these particular cases?

(g) Is it also a fact that Hindu holidays are not always given to Hindu assistants? If so, are the Government considering the desirability of issuing instructions for the closer observance of these days in future?

Answer by the Hon'ble MR. DONALD :—

"(a) Yes.

(b) It is a local holiday in most districts of the province.

(c) In certain Departments no representation was made. In others a request was submitted for a half-holiday, as in previous years, and it was granted in all cases, except in the Legislative Department, where there was a heavy rush of work for the Legislative Council.

(d) All Departments except the Public Works Department.

(e) and (f) The Hon'ble Mr. Beatson Bell, in his remarks on the 4th September, 1916, referred only to holidays announced by Local Governments and not to local holidays. Local holidays are not announced by the Local Government and are given at the discretion of local officers. Clerks in the Secretariat are allowed a full, or half, holiday on the occasion of the Sivaratri day, subject to the exigencies of urgent work, and this principle was followed this year.

(g) Hindu assistants are permitted to avail themselves of Hindu holidays save in exceptional cases when there is urgent work to be done. It is inevitable that weight should be given to the latter consideration."

Questions and Answers.

UNSTARRED QUESTIONS.

(*Answers to which were laid on the table.*)

By the Hon'ble MAULVI ABUL KASEM :—

Conduct of a head-constable of police at Bakarganj.

I.

(*a*) Are the Government aware that the head-constable of thana Muladi in the district of Bakarganj recently removed a notice in Bengali inviting subscriptions for the help and support of the Muhammadan internees and their families, which was posted on a board, and hung up at a *hât* in village Gachina?

(*b*) Is it a fact that the said head-constable told the people that the movement was anti-Government?

Answer by the Hon'ble MR. KERR :—

" (*a*) From enquiries which have been made, it appears that the head-constable, who had been deputed to Kalika *hât* on the 7th February to keep order and to prevent *hât*-looting, found a man carrying a notice-board and beating a drum to attract the attention of the public. On the notice-board were notices in Bengali and Persian inviting subscriptions to be used to obtain the release of certain Muhammadan *détenus*. The man who was carrying the notice said that he was unaware of its contents and that he had been ordered by his master to display it in the *hât*. In view of recent disturbances at *hâts*, the head-constable thought it undesirable that any such demonstration should take place. He accordingly took away the notice-board and directed the man not to beat the drum.

(*b*) No."

By the Hon'ble MAULVI ABUL KASEM :—

House rent allowance of the Bengal Secretariat assistants in Darjeeling.

II.

(*a*) Will the Government be pleased to state—

(*i*) when the rate of house allowance of Secretariat assistants at Darjeeling was fixed; and

(*ii*) whether it is a fact that house-rent in Darjeeling during the period when the headquarters of the Government are located there, has abnormally risen of late years?

(*b*) Are the Government considering the desirability of raising the rate of house allowance at Darjeeling for Secretariat assistants?

Answer by the Hon'ble MR. DONALD :—

" (*a*) (*i*) In 1891.

(*ii*) It is understood to be the case that the prevailing rates of house-rent have risen in recent years.

(*b*) The question has not been considered."

By the Hon'ble MAULVI ABUL KASEM :—

Travelling allowance of certain Superintendents of [illegible] and [illegible].

III.

Will the Government be pleased to state what was the total amount of travelling allowance drawn by each of the following officers during the year 1917:—

(*a*) The Superintendent of Police of—

(*i*) Bankura;

(*ii*) Birbhum; and

(*iii*) Burdwan?

Questions and Answers.

(*b*) The Superintendent of Excise of—

(*i*) Bankura;
(*ii*) Burdwan; and
(*iii*) Midnapore?

Answer by the Hon'ble Mr. Donald :—

"(*a*)

Rs.	A.	P.
1,888	1	6
1,712	6	0
5,162	10	0

(*b*)

Rs.	A.	P.
1,421	0	0
3,563	4	0
1,259	14	6."

By the Hon'ble Maulvi Abul Kasem :—

IV.

Will the Government be pleased to state— Assessment of income-tax in Noakhali.

(*a*) what was the total amount of income-tax demand as assessed in the district of Noakhali in 1914-15, 1915-16, 1916-17 and 1917-18, year by year; and

(*b*) whether there has been any appreciable improvement in the economic condition of the people of Noakhali since 1914?

Answer by the Hon'ble Mr. Donald :—

"(*a*) The demand for each of the years in question is noted below :—

	Rs.
1914-15	22,745
1915-16	23,918
1916-17	36,986
1917-18	47,000

(*b*) Government have no definite information on the subject. The figures of income-tax quoted would seem to indicate an improvement."

By the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy :—

V.

Will the Government be pleased to state the number of temporary appointments sanctioned by the Director of Agriculture in 1917-18, and the number of such appointments given to Muhammadans during that year? Appointments by the Director of Agriculture.

Answer by the Hon'ble Mr. Kerr :—

"In 1917-18 the Director of Agriculture made appointments to 107 temporary posts of which 23 were filled by the appointment of Muhammadans."

By the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy :—

VI.

Will the Government be pleased to state the number of Christians, Hindus and Muhammadans appointed permanently as Superintendents or Assistant Commissioners in the Calcutta Police since its establishment? Appointment of Superintendents and Assistant Commissioners, Police, Calcutta.

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

The figures for the last ten years are as follows :—

	1908	1911.	1915	1917	
Superintendents—					
Christians	1	1	1	1	No appointment in other years.
Hindus	...	...	...	...	
Muhammadans	...	...	...	...	
Assistant Commissioners (appointment created in 1916)—					
Christians	2	...	...	..	No appointment made in 1917
Hindus	4	...	...	...	
Muhammadans	...	...	...	...	

By the Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY —

VII.

Will the Government be pleased to state, year by year, the number of Christian, Hindu and Muhammadan inspectors and sub-inspectors appointed permanently in the Calcutta Police Force during the last ten years?

Answer by the Hon'ble MR. KERR .—

Appointment is made to the rank of inspector by promotion from the rank of sub-inspector, the particulars of the officers promoted to the rank of inspector are as follows :—

	1908	1909	1910	1911	1912	1913	1914	1915	1916.	1917
Christians ...	5	3	4	1	4	...	...	2	2	5
Hindus ...	2	..	3	...	6	...	...	1	4	7
Muhammadans ...	1	...	...	...	2	...	1	...	...	1
Appointments as sub-inspectors—										
Christians ...	...	1	1	...	1	...	4	2	...	...
Hindus ...	11	8	7	1	3	2	11	6	8	15
Muhammadans ...	5	3	3	1	1	1	7	3	4	4

By the Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY :—

VIII.

Will the Government be pleased to state what steps, if any, have been taken for the appointment of Muhammadans in the Calcutta Police Office?

Answer by the Hon'ble MR. KERR :—

"Selection for appointment has hitherto been made from candidates who offered themselves, preference being given to graduates and those who had passed the intermediate examination. The Commissioner of Police has arranged that in future all vacancies are to be advertised, a Muhammadan being appointed to every third vacancy, and such vacancy being notified to the Assistant Director of Public Instruction for Muhammadan Education with a view to secure suitable candidates."

Questions and Answers.

By the Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY :—

IX.

Will the Government be pleased to state, year by year, the number of Christians, Hindus and Muhammadans appointed as ministerial officers in the Calcutta Police office with their respective pay, during the last twenty years? Appointment of ministerial officers in the Calcutta Police office.

Answer by the Hon'ble MR. KERR :—

Appointments of ministerial officers.

YEAR.	CHRISTIANS.		HINDUS.		MUHAMMADANS.	
	Number.	Pay.	Number.	Pay.	Number.	Pay.
		Rs.		Rs.		Rs.
1908	......	......	2	25	......	......
1909	......	......	2	100	......	......
	......	......	4	30	......	......
1910	......	......	1	100	......	......
	......	......	3	30	......	......
1911	......	......	1	50	......	......
	......	......	2	30	......	......
1912	......	......	2	50	1	60
	......	......	7	40	1	30
	......	......	9	30	......	......
1913	1	100	1	150	......	......
	......	......	1	70	......	......
	......	....	2	50	......	......
	......	......	2	30	......	......
1914	......	......	1	30	1	70
	......	......	......	......	1	30
1915	1	70	2	10	......	......
	......	......	6	30	......	......
1916	1	100	4	30	1	30
	......	......	8	30	......	......
1917	2	150	1	100	1	40
	1	125	1	60	1	30
	3	100	3	40	......	......
	2	100	10	30	......	......

Questions and Answers.

By the Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY :—

X.

Confidential Reports regarding certain educational officers.

(*a*) Will the Government be pleased to lay on the table a copy of the Circular No. 1604—1612 A. of 1905, on the subject of Confidential Reports and to state whether paragraphs 5 and 7 are observed in the Education Department?

(*b*) Will the Government be pleased to state who are responsible for—

(*1*) the submission of confidential reports on—

(*i*) Principals of Colleges,
(*ii*) Professors,
(*iii*) Inspectors of Schools,
(*iv*) Inspectresses of Schools,
(*v*) Assistant Inspectors of Schools,
(*vi*) Assistant Inspectresses of Schools,
(*vii*) Head Masters of Zilla Schools, and
(*viii*) Deputy Inspectors?

(*2*) the communication of unfavourable confidential reports to the officers mentioned above?

(*c*) Will the Government be pleased to state whether it is to be understood that the officers of the Education Department mentioned above who have not been informed of any unfavourable reports against them have not been badly reported on as to defects in them which may be cured?

(*d*) Will the Government be pleased to state whether the promotions of the officers mentioned above depend largely upon confidential reports? If so, will the Government be pleased to state what steps, if any, are taken to verify the unfavourable reports?

(*e*) Will the Government be pleased to state whether they are considering the desirability of verifying unfavourable reports by reference, for instance, to District Officers or Divisional Commissioners, or both, as the case may be?

(*f*) Are the Government considering the desirability of directing that all unfavourable reports against the officers mentioned above during the last three years, if not already communicated, be communicated without further delay to the officers concerned in accordance with the Circular No. 1604—1612 A, dated the 23rd March, 1905?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) A copy of the Circular* is laid on the table. Paragraphs 5 to 7 have been superseded by Circular No. 5489-5504 A., dated the 26th June, 1916, a copy of which† is also placed on the table together with a copy of its enclosure."

(*b*) (*1*)—

(*i*) The Director of Public Instruction.
(*ii*) Principals of colleges.
(*iii*) The Director of Public Instruction and the Divisional Commissioner concerned.
(*iv*) The Director of Public Instruction.
(*v*) Inspectors of Schools and Divisional Commissioners.
(*vi*) Inspectresses of Schools.
(*vii*) and (*viii*) Inspectors of Schools, District Officers and Divisional Commissioners.

* *Vide* Appendix B.
† " " C.

Questions and Answers.

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

XI.

(*a*) Will the Government be pleased to state how many officers in the Provincial Judicial Service are likely to retire in the course of this year? The Provincial Judicial Service.

(*b*) Will the Government be pleased to lay on the table a list showing the number of enrolled candidates for the Provincial Judicial Service from each district of the Province?

(*c*) Are the Government considering the advisability of giving effect to the claims of those districts which are either not represented at all, or are inadequately represented in the said service, at the time of making new appointments to fill up the vacancies in the current year?

(*d*) Are the Government considering the desirability of making new appointments to the said service on a divisional basis, in consultation with the High Court?

Answer by the Hon'ble MR. PANTON :—

"(*a*) One officer retired in February, 1918, and nineteen others are due to retire in the half-year ending September 30th, but as the question of granting extensions of service to certain of these officers is under the consideration of Government, it is impossible to make a definite statement.

(*b*) A statement* is laid on the table.

(*c*) and (*d*) There is no present intention of departing from the existing methods of selection, which are not based upon supposed district or divisional claims."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XII.

(*a*) Is it a fact that in October, 1917, nearly two hundred tenants of the Mathurapur Estate of Mr. G. Hennessey in Malda now under the Court of Wards submitted a memorial to the Commissioner, Rajshahi Division, stating their grievances and praying for protection? Alleged grievances of the tenants of the Mathurapur Estate in Malda

(*b*) Is it also a fact that the tenants of the said estate telegraphed on the 18th December, 1917, to His Excellency the Governor asking for protection?

(*c*) Will the Government be pleased to state what action, if any, has been taken on the said memorial to the Commissioner, Rajshahi Division, and on the telegram to His Excellency the Governor?

Answer by the Hon'ble MR. KERR :—

"(*a*) About a hundred tenants of the Mathurapur Estate submitted a memorial to the Commissioner shortly after six annas share of the estate had been taken in charge by the Court of Wards. This memorial set forth no specific grievances and in effect merely amounted to a general request that all the old servants of the estate should be discharged.

(*b*) Yes.

(*c*) An enquiry was made by the Collector of Malda. Government have ascertained that the Court of Wards does not consider that any reason has been shown for passing a general order of the nature suggested in the memorial and that the Manager and Collector can be trusted to take any disciplinary action which may be required in the event of misconduct by any individual servant of the estate coming to notice."

* *Vide* Appendix D.

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XIII.

Grants for "Education" and "Public Works Department."

Will the Government be pleased to state how the grants of Rs. 2,14,000 under heads "Education" and "Public Works Department" is likely to be expended in 1917-18?

Answer by the Hon'ble MR. O'MALLEY :—

"It is anticipated that the full amount of Rs. 2,14,000 will not be expended, but only Rs. 1,41,527, as follows :—

	Rs.
Increase of the pay of trained teachers in aided primary schools and maktabs	1,08,258
Increase of the pay of teachers in aided primary schools and maktabs for girls which are conducted as independent institutions unconnected with boys' schools	16,248
Grant of local allowances at Rs. 20 per mensem to the assistant head masters of five vernacular training schools	1,200
Honoraria to the teaching staff of three high schools for work in connection with the Dacca Training College	1,350
Acquisition of land for guru-training schools and construction of buildings	14,471
Total ...	1,41,527"

By the HON'BLE BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XIV.

Construction of a drainage khal for the water-logged area in police-station Dulai in Pabna.

(*a*) Are the Government aware that the inhabitants of Kabarikola, and nearly 20 adjacent villages under the police-station Dulai, in the district of Pabna, have, for many years, been in the grip of malaria and cholera due to the stoppage of drainage of a number of big *bhils*, which together form a vast sheet of water extending over 2,000 bighas of land in the said locality?

(*b*) Is it a fact that in November, 1898, the people of the aforesaid locality submitted a petition to the then Collector of Pabna stating their grievances and praying for the construction of a *khal* for the purpose of draining off the excess water of the *bhils* into the Atrai?

(*c*) Is it a fact that on the above petition a preliminary survey was made in 1899, and that the people of the locality paid the cost thereof, and that an estimate of the probable cost of the construction of a *khal*, as prayed for by the people, to drain the *bhils* was also made by the District Engineer?

(*d*) Is it a fact that since then no fruther action has been taken in the matter, although later Collectors of Pabna admitted the urgent necessity thereof, and supported the scheme of the construction of a *khal* to drain off the excess water of the aforesaid *bhils*?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Government have no information.

(*b*) It appears from inquiries made from the Collector that a petition on the subject was submitted to his predecessor in office in 1898.

(*c*) The District Board records show that a sum of Rs. 75 was deposited by the petitioners for preparing a plan and estimate for the scheme. A preliminary survey appears to have been made under the supervision of the District Engineer, but the plan and estimate then prepared cannot be traced.

(*d*) No further action was taken until the submission of a petition on the subject on the 15th January, 1918, which is now under inquiry. There is nothing in the records of the Pabna Collectorate to show that successive Collectors of Pabna held the opinion attributed to them."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XV.

(*a*) Has the attention of the Government been drawn to a decision of the Judicial Committee of the Privy Council in the case of Haradas Acharya Chowdhury and others *versus* the Secretary of State for India in Council, reported at page 590 of Volume XXVI of the Calcutta Law Journal? Examination of the position of *diara* proceedings in Mymensingh.

(*b*) In what manner has the said decision affected the *diara* proceedings in the district of Mymensingh?

(*c*) Are the Government considering the desirability of examining the position of the *diara* proceedings which have already terminated or have reached a certain stage in the district of Mymensingh in the light of the decision referred to above?

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes.

(*b*) So far as Government is aware, no proceedings have yet been confirmed in which an objection has been made on the basis of this decision.

(*c*) No."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XVI. (*a*) With reference to the answer given to my unstarred question No. XIII, on the 14th March, 1918, will the Government be pleased to state whether Mr. Meyer, besides managing the portion of the Shaistabad Estate known as Alia Fuljhuri, has also since 1916 been managing the whole of the Shaistabad Wakf Estate? Mr. Meyer and the Shaistabad Estate.

(*b*) Is it a fact that for this additional work he is drawing a monthly salary of Rs. 400?

(*c*) In taking up the management of the said Shaistabad Estate, did Mr. Meyer obtain the permission of the Board of Revenue, as he was required to do as Court of Wards manager?

(*d*) If the answer to the above be in the affirmative, will the Government be pleased to lay on the table all the papers relating to the matter, including the correspondence in regard to this question between Messrs. Meyer, Holding, the Collector and the Commissioner of Dacca and the Board of Revenue?

(*e*) Is it true that Mr. Meyer, since his appointment in August, 1916, has been mainly occupied with the affairs of the Shaistabad Estate?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) Yes.

(*c*) and (*d*) Mr. Meyer applied, with the approval of the Collector of Bakarganj at the time, for the permission of the Board of Revenue to take charge of the whole of the Shaistabad Wakf Estate. After consulting the local officers, the Board wrote to the Commissioner, refusing to allow the application; but owing to a misunderstanding the orders were not communicated to Mr. Meyer. The Board have recently re-affirmed the orders. Mr. Meyer has relinquished charge of the Shaistabad Estate.

(*e*) No."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XVII. (*a*) Is it true that under by-law 28 of the Port Commissioners' by-laws it has been laid down that "no servant of the Commissioners shall resort to violence in the discharge of his duties and any officer breaking this rule shall be liable to dismissal from his appointment"? The case of Mr. Baxter.

Questions and Answers.

(*b*) If so, how has this by-law been applied in the case of Mr. J. B. Baxter, the Superintendent of Collections, Port Trust, who tendered an apology in court to Babu Anath Nath Mukerjee for an offence of the nature referred to in the said by-law?

(*c*) Is it a fact that to meet the cost of his defence in the case referred to above, Mr. Baxter has been granted a sum of money by the Vice-Chairman of the Calcutta Port Trust?

(*d*) Is it a fact that one Babu Santosh Kumar Mukerjee, a clerk under the Port Commissioners, has been dismissed from service because there was a criminal case against him, although the said case ended in his discharge?

Answer by the Hon'ble MR. COWLEY :—

"(*a*) The only by-laws of which the Local Government has cognizance are those framed under section 126 of Bengal Act III of 1890. By-laws made under this section require the confirmation of the Government; and there is no by-law made under this section having any reference to the subject-matter of the question.

(*b*), (*c*) and (*d*) Questions of the discipline of the employees of the Port Commissioners are not subject to the supervision of Government."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XVIII.

Muhammadan *détenus*.

Will the Government be pleased to make a statement giving :—

(*a*) the names of all Muhammadans (either residents of Bengal or compulsorily domiciled in Bengal) interned or kept under restraint under the provisions of the Defence of India Act, 1915 or Bengal Regulation III of 1818 :—

(*i*) who are residents of Bengal, but compulsorily domiciled outside Bengal,

(*ii*) who are residents of Bengal, but compulsorily domiciled in Bengal, and

(*iii*) who are residents of other provinces but compulsorily domiciled in Bengal;

(*b*) the name of the place of compulsory domicile in each case;

(*c*) the amount of the allowance paid to the *détenu* and the allowance paid to his family (the amounts being shown separately); and

(*d*) the date when the order was first passed under the Act or Regulation?

Answer by the Hon'ble MR. KERR :—

"Government do not consider it in the public interest to make the statement desired."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XIX.

Auditors and inspectors in the Co-operative Societies.

Will the Government be pleased to state—

(*i*) the names of auditors and inspectors of Co-operative Societies;

(*ii*) their qualifications and the respective dates of their appointments, both temporary and permanent; and

(*iii*) the home district of each candidate?

Answer by the Hon'ble MR. KERR :—

"A statement* is laid on the table."

* *Vide* Appendix E.

The Bengal Village Self-Government Bill, 1918.

Sir S. P. Sinha.

LIST OF BUSINESS—ITEM No. 2.

THE BENGAL VILLAGE SELF-GOVERNMENT BILL, 1918.

The Hon'ble SIR S. P. SINHA moved for leave to introduce a Bill to extend Village Self-Government in Bengal.

HE said :—

"The introduction of the Bill I now lay before this Council marks a most important advance in local self-government in this Presidency.

To some of us, whose minds are engrossed with speculations on self-government in a wider sphere, this event may seem of small significance, but for my part, I am convinced that this attempt to make the villager a vital link in our system of Government is an experiment of supreme importance and fraught with the promise of most beneficial and far-reaching results.

It is because of this belief that I desire, before discussing the provisions of the Village Self-Government Bill, to sketch briefly the genesis and development of its underlying principles, to touch on the evils it is designed to cure, and to suggest the promise of progress, which it bears within it.

Many competent observers have deplored the ever-increasing gap which separates the Government of Bengal from the village population, forming some 90 per cent. of the people over which it rules, and few will differ from the dictum of Sir George Campbell that "the task of really governing India down to the villages and the people is too great for the British Government."

The stir of ideas in England in the Seventies which led to an elaborate overhauling of the system and machinery of local government did not pass unnoticed in India, and it was not strange that Sir George Campbell's penetrating judgment led him to regard the resuscitation of local authorities or institutions as the only feasible means for making good those gaps and defects in the administration, which were so patent to his fresh and vigorous mind.

The ancient institution of village watchmen had fallen greatly into decadence and the new system of village police, which the Chaukidari Act of 1870 had introduced, had not yet proved itself. The Lieutenant-Governor had again been "repeatedly struck by the great want of drinking water in many Bengal villages and by the efforts of the people to obtain it and by their not unfrequently expressed readiness to contribute to its cost."

It was in 1870 also that the English legislature recognized the obligation on the State to provide elementary education and Sir George Campbell was of opinion that "many villages might be willing to co-operate with Government to re-establish that ancient indigenous institution of Hindu villages, the *guru* or village schoolmaster." The necessity of taking measures for the better sanitation of villages was also recognized by him.

With the more advanced system of local self-government in towns, which already existed in 1870 and which Sir George Campbell desired to elaborate and extend, it is unnecessary for me to deal ; we are now concerned with a measure designed, as I have already stated, to bring the villager into the system of Government. I need hardly point out that the division of the labour of administration between the State and local authorities is not a clean-cut or uniform division ; it varies in important matters in different countries. But the history of communal institutions in India very clearly points to two spheres of activity, in which the use of local authorities seems essential to efficiency and progress—I refer to the village watch and ward and to the exercise of municipal functions in rural areas.

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I will deal first with the village watch and ward, and I trust that I shall succeed in commending to your approval the changes contemplated by this Bill. The maintenance of the ancient village watch rarely ceased during the last century to be an object of solicitude to the Government of Bengal.

Lord Hastings in 1815 described it as "the foundation of all possible police in this country." Sir Thomas Munro in 1824 protested strongly against its absorption into the regular police system, and the Police Commission of 1902-03 declared that it was necessary to Government, and also necessary from the point of view of the people. The Village Chaukidari Act (VI of 1870) re-affirmed the principle which previous Acts had embodied. What I may term the "municipalisation" of the village police, *i.e.*, its recognition as a village institution, supported by and responsible to the village community.

The "Statement of Objects and Reasons of the Chaukidari Act" declares that "the provisions of the Bill, while maintaining the responsibility of all landlords to report crime, are based upon principles which have been recognised as applicable to these Provinces: first, that it is just and expedient that the people at large should pay for their own protection; and, secondly, that it is the duty and policy of the Government to leave as much as possible of the business of the country to be done by the people themselves."

The *panchayet* were empowered to fix the number and the wages of the watchmen, they assessed and collected the necessary funds, and they had power to appoint and dismiss watchmen. The Act did not prove a success; the villagers were reluctant to serve on the *panchayet* and their assessments were often inequitable. How far the unpopularity of a *panchayeti* work was due to the growing interference of the police and how far such interference was necessary in the interests of efficiency, we need not consider, but Act I (B.C.) of 1886 tended to discountenance the village municipal system, while Act I (B.C.) of 1892 transferred to the Magistrate the power of fixing the number and salary of the chaukidars and what was more important the power of appointing, dismissing and punishing them.

"The municipal theory, however," in the words of the District Administration Committee's report, "although for the most part ignored, has never been abandoned," and the President system introduced in 1905 "was designed with the object of freeing the *panchayets* from police influence and of emphasising the essential character of the chaukidar as a village servant, while leaving him subject to the control of the Magistrate and the police in regard to his police duties."

Some officers have since advocated the complete departmentalization of the chaukidar, with the corollary that he should be paid from provincial revenues and the proceeds of the present chaukidari tax diverted to purely village purposes.

This proposal, however attractive, is not financially possible, and the evolution of the village watch in other provinces, where the communal principle has real vitality, suggests that it is still possible and advantageous to retain in Bengal a close association and inter-dependence between the village community and the village watch.

The salient feature of the present Bill is the combination or amalgamation of the *panchayet* and the Union Committee. If we succeed in breathing life into the village communal authority, we may confidently anticipate that the intimate local knowledge which this authority will possess will render the rural police a more efficient power for the detection and prevention of crime than is at present the case.

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I come now to the exercise of municipal functions in rural areas. I confess I feel a sense of disappointment with the exiguous results in rural sanitation which the last 50 years has produced in Bengal. There has been no want of anxious thought and earnest endeavour on the part of Government; the problem has been clearly visualized for many years, its paramount importance freely acknowledged and remedies suggested and carefully discussed. Money or rather the want of it has been the great stumbling block.

As Sir George Campbell pointed out in 1871, there was some inequality in the provincial assignments made under Lord Mayo's scheme of financial decentralization. But apart from that there were already at that time, in every other province, large revenues raised for local purposes; heavy cesses in addition to the land revenue being levied on the land for local roads, local police and popular education.

In Bengal, the funds raised locally for roads and bridges were confined to the receipts from tolls on roads, ferries and canals. Local funds have since grown—the District Board revenues and the income of municipalities—but the improvement of rural areas is still blocked by a want of funds. In strong contrast is the system in Madras, where in 1913-14, 393 Union *Panchayets* spent nearly 9¾ lakhs of rupees, of which only Rs. 64,000 came in grants from the District and Taluk Boards. Over 7¾ lakhs was raised by the house-tax; and over Rs. 6 lakhs were expended on conservancy, street lighting and sanitary measures.

Now we have nothing like that in Bengal; thus in 1912-13, 61 Union Committees were able to raise only about Rs. 3,600 by local taxation. Nevertheless, there is proof of the growing sense of the Union Committees' power for good in the fact that in 1916-17, 67 Committees raised Rs. 39,801 by local taxation.

The financial problem has always in Bengal barred the path to progress; but if Bengal is to become "civilized" in the modern sense, if the ordinary amenities of life are to be available to all—I will go further, if the evils which menace health and life itself are to be overcome—we must by some means or other surmount the financial difficulties, which have always hemmed us in. On the need of rural sanitation I need say little. The Imperial Gazetteer of India (Volume IV. page 468) does not exaggerate when it describes the general sanitary condition of Indian villages in the following words:—

"The village house is still often ill-ventilated and over-populated; the village site dirty, crowded with cattle, choked with rank vegetation, and poisoned by stagnant pools; and the village tanks poluted and used indiscriminately for bathing, cooking and drinking."

We have our Sanitary Commissioner, whose post was created with the best intentions and high hopes in 1864, but unless we can give him an agency to carry out reforms, his expert advice must lose half its value. Government may frame model rules of village hygiene, but in the absence of machinery,—a large executive agency—they remain a dead letter. This problem can only be attacked, if we organize the people, and they can only be organized for public work by the will and with the sympathetic encouragement of Government.

As Mr. Carstairs, who took great interest in local self-government, said some years ago (and his dictum is perhaps still true), "Without the people the Government *can* do nothing; without the Government the people *will* do nothing." No one will contend that Government can administer the innumerable villages of Bengal in all the details of their internal economy except

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with the help of the people themselves, and those who are conversant with the history of Union Committees in the last 10 years will agree with the District Administration Committee that for several years to come the success of representative village institutions must depend in some measure on the sympathetic guidance they receive from Government officers.

I have indicated two directions in which the co-operation of the village community is required for the amelioration of the conditions under which it lives. But there is yet a third branch of administration, in which we believe that the rural population can, with advantage to itself and to Government, participate more actively in the management of its own affairs.

I refer to the administration of justice. I realise that it is this portion of the Bill which lends itself most readily to criticism, and I look forward eagerly to helpful constructive criticism enabling us to simplify the procedure and popularise the administration of justice in rural areas.

At this stage I shall content myself with a few general observations indicating the motives which have influenced Government in its decision to revive the old village Courts.

The Council is aware that the Decentralization Commission recommended that *panchayets* should be given civil and criminal jurisdiction in petty cases arising within the village; the Indian Police Commission of 1902-03 had made a similar suggestion in respect of petty criminal cases; and village Courts created by the legislature have for many years been in active operation in other provinces. Now we are well aware that the present system of justice is not an ideal one from the point of view of the villager. In his petty civil disputes, the proceedings are usually costly, slow and harassing. In criminal cases, the tribunals are often too remote, remands are frequent and the production of witnesses a costly and troublesome business. But the Decentralization Commission did not intend that the village Courts should merely afford relief to the regular tribunals or give petty litigants the opportunity of settling their disputes by a simple and inexpensive procedure near their homes; the main purpose of these Courts is in the words of the District Administration Committee to be "educative to develop the sense of communal responsibility within the Union, and to teach the people to manage the affairs of their own villages. At the same time it was hoped that the creation of these village Courts would enhance the influence of the *panchayets* and strengthen and encourage them in the performance of their other duties, thus gradually paving the way to the exercise by them of higher powers."

And here let me state more generally that, in the experiment which I am describing to you to-day, Government is influenced by two main motives, of which one derives from self-interest, while the other may be termed altruistic.

As I have already suggested, the administration of Bengal, so to speak down to the ground, is too great a task for any centralized Government, and the co-operation of the people is essential for advance.

But if I were not convinced that there was another mainspring to this legislation, I should feel at any rate less pleasure and confidence in introducing the Bill than is now the case.

What we hope is that this experiment will give free play to a new motive power in Bengal—the interest and influence of the rural population in, and on, the management of their own affairs. If we can evoke that interest and engage that influence in the system of Government, I believe we may tap enormous reserves of energy, common-sense and natural shrewdness, and lay well and truly a foundation on which the superstructure of the future may securely rest.

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But I have dealt at sufficient length with the underlying principles of the Bill and before turning to its provisions, I wish briefly to sketch the history of Union Committees in this Presidency since 1885.

It is an open secret that the Local Self-Government Act of 1885 as first drafted, in accordance with Lord Ripon's memorable resolution of 1882, contemplated the creation of a net-work of Union Committees throughout Bengal as the basis of local self-government. They were to be the successors of the old simple type of petty municipality, known as Municipal Unions of which there were 54 in Bengal, when this type of local authority was abolished by the Bengal Municipal Act of 1884. By way of anticipation, Mr. Westmacott was placed in 1883 on special duty to prepare the way for the introduction of the new law, and he actually formed 180 unions in 7 subdivisions of the Burdwan and Presidency Divisions and in the subdivision of Munshiganj in Dacca.

Local Boards ordinarily conterminous with the subdivision were to control the Union Committees, which were to be elected by the villagers themselves, and to be entrusted with the management of primary schools and pounds within the Union and of its roads, water-supply and village conservancy.

Above the Local Boards, with general powers of control but not of administration, was to be the Central Board—a paid body sitting in Calcutta somewhat resembling the Local Government Board in England.

In this scheme, there was no place for the District Board. But the Bill as finally framed entirely transformed this scheme of local self-government.

The District Board replaced the Central Board, but became the real unit of administration instead of a Committee of Control ; the Local Board became the mere dependant of the District Board, subsisting by its charity, while the Union Committees—in the words of the District Administration Committee—became " merely optical appendages of the superior bodies."

In fact local self-government was begun at the top instead of from the bottom.

As we all know the District Boards became fairly efficient bodies, but the Local Boards starved and suffered from anæmia and Union Committees were still-born. In 1904, there were 58 such Committees, disposing of Rs. 18,000 ; they had raised only Rs. 339 by local contributions since the date of their creation.

Act V of 1908 made some important amendments in the Local Self-Government Act of 1885 ; but little use was made of these enlarged powers.

In the last few years an effort has been made to vitalize these bodies, with, I am glad to say, some considerable success.

In 1916-17 there were 156 Union Committees, which last year spent Rs. 1½ lakhs, including about Rs. ½ lakh raised by local taxation. At the end of 1917 there were 198 Unions. There are exceptions, but on the whole these Committees are showing that practical good sense and closeness to the life of the people, which gave the ancient village communal institutions their vital force and their authority.

In connection with the recent advance made by Union Committees, I may refer to the fact that much useful spade-work has been done in preparing the way for their fusion with chaukidari *panchayets*.

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New Union Committees have been given a jurisdiction co-extensive, with that of chaukidari unions, and so far as practicable, the *personnel* of the chaukidari *panchayet* and the Union Committee has been made identical. There is no reason to anticipate any friction or difficulty in developing the existing Union Committees into the Village Committees to be constituted under the Bill.

The object of the Bill is to build up a system of self-government from the bottom by the creation of village authorities, vested with the powers and duties necessary for the management of communal village affairs and entrusted with powers of self-taxation necessary for the purpose.

The new Village Committee, as the village authority will be called, will be constituted on an election basis, not less than two-thirds of the members being elected. It will elect its own Chairman, will exercise a general control over the dafadars and chaukidars of the village, and will be vested with power to provide for village sanitation, conservancy and drainage, to deal with the erection of buildings, water-supply, village roads and bridges and to manage primary schools and dispensaries. It is also proposed to give power to Government to confer jurisdiction in petty civil and criminal matters on all or any members of the Village Committee, the tribunals which it may constitute for the trial of criminal cases being designated Village Benches and those constituted for the trial of civil suits Village Courts. The Committee will be grouped in Circles under Circle Boards. The chief work of the Circle Board will be to superintend the working of the Village Committees in the Circle and, subject to the direction of the District Board, to distribute any general grants made to them by that body. It may further, at the request of the District Board, supervise the management of any institution and the execution of any work or the performance of any duty entrusted by the District Board to any Village Committee within its circle. On the constitution of Village Committee and Circle Boards in any district the existing chaukidari *panchayets*, Union Committees and Local Boards established under the Bengal Chaukidari and Local Self-Government Acts will be abolished.

I may state that it is intended that the new system should be introduced gradually in districts where the Circle System has been introduced and Circle Officers are available to assist the Village Committees. The number of Circle Officers is at present limited, but, as I recently informed the Council, it is hoped to increase it very largely, so that we may have Circle Officers in every district. The Committees will, as proposed by the District Administration Committees, be grouped in Circles under Circle Boards, on which they will be represented. The chief work of the Circle Boards will consist in supervising their operations and co-ordinating their plans, and in seeing that different Village Committees have fair treatment in the distribution of grants given by the District Board to a Circle. The Circle Boards, will form an important electoral agency for the District Boards, and the basis of the elective system will be broadened, as the Local Board constituted for each subdivision will be replaced by a number of Circle Boards constituted for different parts of the subdivision.

It is, I think, unnecessary for me to refer in much detail to the clauses of the Bill which are clearly summarised in the statement placed in the hands of Hon'ble Members.

I may refer first to the definition of "village," which will actually be a group of villages, united under one jurisdiction and coinciding with the chaukidari union. Not less than two-thirds of the 6 to 9 members, of which the Village Committee will consist, is to be elected, subject to the District Magistrate's approval. The municipal powers of the Committee will correspond generally with those already vested in Union Committees, but are somewhat wider in their scope.

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In reproducing the relevant sections of the Chaukidari Act, the opportunity has been taken to eliminate some unpopular provisions, in particular the personal responsibility of the members of the *panchayet* for the salary of the chaukidars.

In addition to grants made by the District Boards, the Committee will administer the village rate reserved for the execution of works and the compulsory chaukidari tax, of which a portion can be devoted to the pay and equipment of the dafadars and chaukidars and to the salary of a Secretary and also to the execution of works of public utility.

The Committee will fix its assessment according to circumstances and property, but subject to revision by the District Magistrate.

The provisions regulating the exercise of judicial powers by the Committee will be permissive and the ordinary courts will have concurrent jurisdiction.

It will be possible to constitute individual members as a village tribunal for the trial either of petty civil or of petty criminal cases or both, or if experience shows that the whole Village Committee may safely be entrusted with such powers, they may all serve on the tribunal.

In the case of civil jurisdiction, moreover, it is proposed that the Local Government should have power to confer judicial powers by instalments, so that the Village Courts may begin by trying the simplest kinds of suits, their jurisdiction being extended according to the measure of success obtained. As recommended by the Decentralization Commission, the procedure will be simple; parties will generally appear in person, legal practitioners being debarred from appearing for clients; appeals will not be allowed, but in the case of criminal trials the Subdivisional Magistrate or the District Magistrate, where there is no Subdivisional Magistrate, and in the case of civil suits the District Judge may order a retrial if there is a serious failure of justice.

The primary function of the Circle Board will be to superintend the work of the Village Committees and subject to the direction of the District Board to distribute any general grants made by that body. It is important to remember that it will be a supervising and in no sense an executive agency, like the present Local Boards. The Circle Board will consist of 15 members, of whom 10 are to be elected and five appointed by the Commissioner and a Chairman will be elected by the members from among their number.

The Bill gives the Divisional Commissioner specific powers of control over the Circle Boards and the District Magistrate will occupy a similar position as regards the Village Committees.

These officers may, *e.g.* provide for the performance of duties in which the local bodies may make default, and may supersede them in case of incompetency or wilful neglect. They may also suspend the execution of orders and resolutions, and the District Magistrate may in cases of emergency provide for the execution of works required for the public service or safety.

The Bill will now be published and circulated for criticism. I have already said that Government welcomes constructive criticism. Let there be no suspicion that there is in any quarter any desire to thwart the beneficent intentions of Government to foster and develop local self-government. Both efficiency and economy demand that the municipal functions of Government should be performed by the people themselves and that this is the only means of making the people self-reliant, public spirited and imbued with the highest sense of civic responsibility. I have the fullest

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confidence in the capacity of the Indian peasant. In the words of Sir H. Risley, the Indian peasant is no fool. He has his limitation like his class all over the world, but within the range of his knowledge and within the compass of his own village he is just as shrewd a person as one could wish to meet. Comparing him with the English rustic of the countries, he was much inclined to think that the Indian was the sharper of the two.

The want of funds, hitherto such a formidable obstacle in the way of rural progress, has to a great extent been mitigated by the surrender of the Public Works Cess to the District Boards. The Hon'ble Mr. S. N. Ray considers these 29 lakhs sufficient for water-supply, village sanitation and for the purpose of combating malaria. In any case, the people are increasingly willing to tax themselves, if they know how the money is spent.

The future is full of hope and promise, but if local self-government is to be a success, it will only be by the consistent co-operation of the Government and the people. Let us determine that it shall be a success, and I am sure it will be so.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 3.

DISCUSSION OF THE BUDGET OF THE GOVERNMENT OF BENGAL FOR 1918-19.

The Hon'ble NAWAB BAHADUR OF MURSHIDABAD said:—

"MY LORD, I shall content myself with a brief review of the present Budget, which affords neither provocation nor excuse for lengthy observations. In fact, I would be right in anticipating that the Finance Member will be the recipient of a chorus of congratulations for the manner in which he has husbanded the resources during a period of extreme difficulty.

"So far as the Province is concerned, the Finance Member has been loyally anxious to obey the mandate of the Government of India to keep the provincial expenditure within the limits of the income of the year, and that policy has been so sedulously pursued by him that the results even in times of peace would be regarded as remarkably satisfactory.

"In nearly every case, the conditions reveal a state of prosperity and advancement that are extremely encouraging for the future. The receipts have exceeded our expectations. The revenue has shown considerable expansion, particularly under Excise and Income-tax, which together account for a decent increase of 25 lakhs and 50 thousands. So large an excess may, of course, mean an under-estimate of the revenue of the last year's Budget, but there is every apology for conservative anticipations at a time like this. The framing of the estimate under the head of Income-tax receipts, which show unusual increase owing mainly to the unprecedented prosperity in the jute-trade, is very difficult, we are told, in view of the varied effects of war on trade.

"There has been also a notable increase under 'Forests,' 'Courts of Law,' 'Jails' and 'Scientific and Miscellaneous Departments.' The last two heads have been swelled by larger supplies to the Military and other departments. The stamp revenue, on the other hand, shows a decrease of about 11 lakhs. I doubt very much whether this fall in 'Stamps' can mean any improvement in the litigious propensity of the public. On the expenditure side there is

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a saving of over 25 lakhs and-a-half chiefly under 'Police' and 'Education.' The net result of these changes is that the closing balance of the current year is estimated to be better by 61 lakhs and 94 thousands.

"This is very good in all conscience, but I cannot help remarking that though the declining figures for 'Excise' last year seemed to have all the appearance of the first step towards reform, the ground then gained appears to have been since lost. The opinion is again forming that the measure has not been productive of the advantage expected to be derived from it. Whether the increase under this head is or is not open to the objection of insufficiently discouraging immoderate use of spirituous liquors and drugs, it can hardly be seriously argued that the present system is fostering a habit of temperance among the people.

"There is a temporary reduction in the Police expenditure, but the police will continue to be a heavy burden where the population expect to be protected and cannot stir a finger to help themselves. It is time that Government should provide a means with which the people may be in a position to guard themselves in case of emergency.

"The savings under 'Education' and 'Sanitation' really mean losses if we understand the consequences rightly.

"The income for the year 1918-19 is estimated on the assumption that no great increase in the receipts can be expected over that of the current year. It is anticipated that there will be a recovery under 'Stamps.' To the expenditure side, on the other hand, the most outstanding feature of the Budget presented in the Council is the provision that has been made for carrying on war against malaria and other preventible diseases. This provision, we note with satisfaction, is only the initiation of a larger campaign against that fell disease in rural areas. By a wise, thoughtful and ingenious distribution of funds, Your Excellency has given to the country an earnest of a much-looked for improvement in the public health of this Province. When we bear in mind that the toll of victims exacted by malaria in Bengal comes up to nearly 400,000 every year, it is no figure of speech but simple truth to say that no language can adequately describe the actual state of sanitation in rural tracts. It is groundlessly alleged that Government are not alive to the situation, but the state of the finances prevented anything being done. We have it from Government that no longer is it possible to restrict expenditure on sanitary works within the narrow limits of recent budgets. It is indeed a happy augury for the future when we observe that none is more sensible than Your Excellency of the paramount necessity of freeing Bengal of that terrible scourge. Local administrations must now work out their own salvation in the matter of sanitary progress. It is very much to be regretted that the improvement of the Bhagirathi river finds no place in the estimate. I have endeavoured on several occasions to bring this subject prominently to the notice of Government. As a way of communication the Bhagirathi may well be left out of consideration in view of the development of railway lines on both of its banks. But for the supply of potable water and the question of health of the large population of all the riparian villages from its entrance to Nadia, the urgency of its improvement cannot be over-estimated. No private efforts can meet with any measure of success in this direction, and it is expected that Government will take up the subject with as little delay as possible.

"The amount provided for the dismemberment of the Midnapore district is by no means a negligible one—an expenditure permitted by the Government of India on the express understanding that a beginning be made. There are in the scheme special reasons of public advantage that need not be impracticable for its costliness. The public, on the other hand, desire no sort

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of new experiment at these difficult times or until the conclusion of the war, now being waged, all local questions should be held in abeyance. It is not a clumsy attempt on the part of the public to prolong the discussion, but an honest belief that there is no urgency whatever for the work to be proceeded with in view of the present financial stringency. I do not, however, wish to minimise the advantages or the prospects of that project.

"The personal and family allowances to the *détenus* are absorbing not an insignificant portion of public revenue. It is undeniable that the murmurs about the internment method and the treatment towards the *détenus* are beginning to make themselves heard very loudly. I, however, assert my cheerful belief that the attitude of the Government of India as expressed in reply to the resolution recently moved by the Hon'ble Mr. Surendra Nath Banerjee in the Imperial Council will have a sobering effect on the public mind.

"The normal balance of trade has been upset by the new conditions created by the war. The trade is not able to absorb the raiyats' crops, which has been peculiarly embarrassing to the export business of the country.

"Under the stress of war conditions new industries are springing up and old industries are showing themselves capable of hitherto unsuspected powers of production. It is only right that advantage should be taken of the period as far as possible to develop the position of industrial importance to which this Province is destined to rise But with all our major programme of education and sanitation cut down to a third of its proper dimension and with an enforced neglect of the industrial and agricultural needs of the country, we are resolved to readily part with such a large amount as our contribution to the successful prosecution of the war permits."

The Hon'ble RAJA HRISHIKESH LAHA said :—

"YOUR EXCELLENCY,

The Budget for 1918-19, though it still bears the impress of the war, presents some agreeable features which clearly prove that the Government has at last made up its mind to grapple with the anti-malarial problem in right earnest. We hope the surveys of Harihar, Balli *Bil*, Bhairab, etc., for which small sums have been allotted, will be taken in hand at once, and that the Jamuna and the Arul *Bil* schemes will make considerable progress during the course of the year. It is also gratifying to observe that an additional sum of Rs. 22,89,600 has been granted for the anti-malarial scheme in connection with the flooding of the Banka Valley, as it has caused immense havoc in the district of Burdwan. According to Dr. Bentley, flooding has a beneficial influence on malaria-stricken tracts, but care should no doubt be taken that the natural drainage channels are improved a great deal to prevent the stagnation of water. It is also noticeable that Rs. 25,000 has been provided for observations to be made regarding the possible deterioration of the Mathabhanga and Bhagirathi rivers.

"As I had anticipated last year, the receipts under the heading of sale of general stamps had fallen off. and I do not believe there will be a strong recovery, when conditions are not very different, in the current year also. We, however, hope for the best and trust the estimated amount may be realised.

"It is satisfactory that the augmentation grant to District Boards has been raised from Rs. 4,30,000 allotted last year to Rs. 7,87,334 for the present year. This desirable increase will certainly stimulate the District Boards to greater exertion and there can be no doubt that steps will be taken to supply good drinking water in places where none is now available. In some places

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tanks have been repaired or excavated, but a great deal more remains to be done and the problem of maintaining a pure water-supply has not as yet been successfully tackled.

"Education has not been neglected as the grants-in-aid have been raised from 20 lakhs in 1917-18 to Rs. 23,29,000 in 1918-19, while a further provision of Rs. 5,50,000 has been made for the development of primary education. I am not sure whether it would be possible to make primary education at once compulsory, but I would suggest that before compulsion is resorted to in rural areas, the Local Boards and the Deputy Inspectors of Schools may be directed to establish new schools where there is a demand for them, and as the people of many villages are now eager to give their boys some sort of training of the right sort, there will be no difficulty in the establishment of such schools with the support of the people. Coercion has its disadvantage in that the majority of the cultivators will try to evade compulsory education under the exemption which permits the boys to help their parents and guardians in carrying on their hereditary arts and occupations. This, I trust, will engage the attention of Government. Moreover, schools cannot be established in any great number without the co-operation of teachers, which is greatly wanted ; and I hope Government will remove this want by holding out better prospects to the teachers.

"After a long waiting we are at last to have a Director of Industry, but his attention will, I believe, be mainly confined to the existing industries, as the floatation of new companies for industrial purposes has been prohibited by the Government of India. Indigenous Joint Stock Companies are still in their infancy in Bengal, and it will require all the tact and judgment of the Director to prove that it will be as easy to make money by investing in industrial enterprises as by investing in zemindaries or in money-lending transactions. He will now have to direct his attention to cottage industries and introduce co-operative methods for supply, distribution and sale or the advances of scientific tools and implements of production on a hire-purchase system as is being done in some European countries. There is a further provision of Rs. 1,50,000 for the development of industries. Is it meant that indigenous industries are to be encouraged by grants, subsidies and advances, as many are now in a declining state for want of funds and encouragement. The Director will have to do much up-hill work in order to make his department successful.

"I may also point out that there has been an allotment of Rs. 29,000 to Commercial Schools. Although this sum is not large enough, it may well be utilised for grants to non-official commercial institutions that are now developing in this city, as for example, the Polytechnic Institute recently started by Captain Petavel under the auspices of the Maharaja of Kasimbazar, which is doing useful work in this direction.

"Under the heading of Agriculture, we find that 'a provision of one lakh for the widespread distribution of improved varieties of paddy and jute-seed' has been made. If this is widely made known to the cultivators in every part of the Province, I have no doubt it will be largely availed of by them, and if the peasants in the fields find that the improved varieties of seeds are yielding a more abundant crop, there will spring up a strong demand which the department will find it very difficult to meet. The seventeen field demonstrators that are to be newly appointed would help a great deal in making demonstration work successful. They must bring home to the cultivators the advantages that may be derived by improved varieties of seeds, scientific manures and improved methods of cultivation. While on this subject, it may not be out of place to suggest that the two new Deputy Collectors to be appointed under the Registrar of Co-operative Societies be

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directed to turn their attention principally to the establishment of primary Agricultural Societies, of which only 1,547 exist in Bengal (*vide* the Report of the Committee on Co-operation in Bengal, page 16). The cultivators will then learn and appreciate the value of thrift and will gradually be weaned from their extravagant habits.

"Large sums will no doubt be spent on anti-malarial measures or sanitary improvement, but this is mostly confined to the Burdwan district. It would have been more in consonance with the insistent demands of many other districts if a larger provision than five lakhs had been made under this head. It could have been easily done by reducing a little the free balance of Rs. 81,09,000 which has been set apart for future years over and above the closing balance of Rs. 3,37,32,000 which cannot be touched under the orders of the Government of India. I only hope that for improving the sanitary condition of other districts which has for some years been such an imperative necessity, the free balance will be utilised for the purpose as far as possible.

"I should observe that only Rs. 20,000 has been allotted for the Munsifs' Courts and residences. The sum is very insignificant in consideration of the difficulties which the Munsifs feel, especially with regard to housing in the mufassal. They are a lot of hardworking officers. and for want of suitable residences, they are often obliged to live in houses which are damp and unhealthy; and these houses are often built with mud and bamboo splittings and quite unsuitable for human habitation. I think some means would be found to increase this amount with a view to supply to these indefatigable officers of Government the elemental comfort of a decent house accommodation, and I think the increased amount may be provided from the free balance which the Government have got in hand."

The Hon'ble BABU SURENDRA NATH RAY said :—

"MY LORD—We find the following in paragraph 4 of the Amended Draft Financial Statement for the year 1918-19 :—

"The orders of the Government of India for the preparation of the Budget directed that, as in the previous two years, the provincial expenditure should be limited to the income of the year, but it was found impossible, after providing for the urgent essential requirements of the administration, to meet any expenditure on urgent public works without drawing on the balances, and the Government of India were requested and have agreed to allow us to draw on our balance to the extent of Rs. 40,20,000.

"The total income for the year is estimated at Rs. 6,90,84,000 and the expenditure at Rs. 7,31,04,000. And this deficit is to be met by drawing upon the balances to the extent of 40 lakhs of rupees.

"I need hardly say that it would not have been necessary to draw upon our balances to the extent of nearly 30 lakhs of rupees out of this 40 lakhs if the amount necessary for the partition of the districts of Mymensingh and Midnapore or the amount of extra and additional increased expenditure under the head of the 'Police,' were not included in the items of expenditure. I have every reason to believe that the income would have been adequate to meet the expenditure.

"It appears from the Budget estimates of 1918-19 that out of a closing balance of Rs. 3,39,32,000, Rs. 2,56,23,000 are earmarked for special purposes, viz., Education, Sanitation, etc., leaving free a balance of Rs. 83,09,000, which could be spent in future years. It is necessary that this free balance should be always as large as possible, so that we may be prepared for such contingencies as famine and other unforeseen contingencies.

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"It is a matter of great satisfaction that there will be an additional recurring expenditure of Rs. 45,900 under the heading 'Medical' on such items as diet allowance of both the Medical College Hospital patients and of Campbell Hospital and mufassal hospital patients, etc. It is also a matter of congratulation that provision has been made and there is actually a scheme for the admission of more students in the Campbell Medical Schools both in Calcutta and at Dacca, and also such a large amount as Rs. 1,62,000 has been included in the Budget to meet the costs of buildings of the Belgatchia Institution.

"For the last two years very little has been done to carry out some of the necessary sanitary projects. The Budget Estimate of Rs. 8½ lakhs for works of sanitary improvement, though not adequate to meet the costs of the projects which have been recommended by the Sanitary Board and which have received the administrative approval of Government, will be welcome as sufficient to meet the costs of some of the urgent and pressing sanitary improvements, such as supply of filtered water to some of the municipal towns. I am glad to see that the town of Krishnagar is at last going to have a supply of filtered water, and that there is a provision of one lakh of rupees in the Budget on that head.

"Your Lordship has inaugurated a new era in tackling the question of malaria in rural areas. For the last few years we have brought up before your Lordship's Government the question of opening out the silted up rivers in order to drive out malaria from places which were once healthy and wealthy but which have now literally become depopulated on account of the malarial scourge. Speaking of malaria your Lordship was pleased to observe at the conference held in this Council Chamber on the 29th January last—'The particular disease with which I propose to concern myself to-day is malaria. It is the only disease that I desire you to help me to fight; but it is, perhaps, the most widespread and the most virulent of all the diseases which afflict the people of Bengal.' We, therefore, welcome this provision which, to quote the words of Sir S. P. Sinha, represents the beginning of a new campaign which Government are anxious to initiate on a large scale against malaria in rural areas. With reference to at least one of the schemes, I mean the Mani Khati scheme, I take a personal interest because I first brought the question forward before the District Board of the 24-Parganas and I spoke to Mr. Adams-Williams about it more than a year ago. With reference to the other schemes I know the places very well and I can very well anticipate the great benefit which the people of the district of the 24-Parganas, Nadia and Jessore will derive when the *Jamuna* and the *Arul Bhil* schemes are carried out.

"The Government have already solved the problem of the supply of drinking water, and of sanitation in the rural areas by making over the public works cess to the District Boards. If the amount of the public works cess be properly utilised by the District Boards, supplemented by contribution from Government, I think there will not be any difficulty in placing these important matters on a firm basis.

"We are grateful to the Government of India for making a recurring grant of 5½ lakhs of rupees for primary education. Though this amount will not be enough to carry out a scheme of primary education throughout the country, yet we need hardly say it will go to some extent to carry out a project in which the people of this country are vitally interested.

"There is one point in connection with the expenditure on education which we are sorry to notice. It appears from the Budget estimates that the sanctioned estimate on education for the year 1917-18 was Rs. 98,13,000, whereas the revised estimate was only Rs. 81,14,000. We are told that this decrease in expenditure of Rs. 16,99,000 was due to savings in the imperial grants and in the grant for Calcutta hostels. We are sorry to see

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that of all items of expenditure there should be savings on this item of expenditure in which, I need hardly say, the people are so much interested. We hope and trust that due care will be taken to properly utilise the sanctioned estimate of Rs. 97,51,000 this year.

"I moved a resolution on the Financial Statement the other day in this Council to delete certain items of expenditure from the Budget which related to the police. There has been unfortunately some misapprehension on the part of some of the members of this Council as well as on the part of the press that I wanted to curtail the expenditure on this head. What I moved for and what I still ask the Government to reconsider is not to incur additional increased expenditure on the police. For the last few years the expenditure on this head have increased by leaps and bounds, *i.e.*, the expenditure has increased from Rs. 83,99,859 in 1912-13 to Rs. 1,37,85,000 in 1918-19, *i.e.*, there has been an increase of about 54 lakhs in six or seven years. That the police have done good work nobody denies.

"About two years ago there were a number of dacoities and murders in and near Calcutta. The people were in constant dread and they did not know who amongst them would be the next victim. The timely action taken by the Government restored order, and life and property became safe. We all know that this was due to the prompt action on the part of the police. The police were strengthened, and for the last two years, at least for the last 12 months, there has not been any fresh outbreak of lawlessness. If the strength of the police as it stood in the beginning of 1917-18 was sufficient to put down lawlessness and detect crimes, we cannot understand the necessity for the additional increased expenditure to the extent of nearly 15 or 16 lakhs of rupees on this head in the Budget for 1918-19, some recurring and some non-recurring, when normal state of things have been restored. Then we find that the sanctioned estimate for 1917-18 was Rs. 1,34,38,000, whereas in the revised estimate we find Rs. 1,22,84,000, *i.e.*, there was a saving of Rs. 11,44,000, *i.e.*, the present normal state of things was brought about with an expenditure of Rs. 1,22,84,000. Why then spend Rs. 1,37,85,000, *i.e.*, incur an additional increased expenditure of about 15 lakhs of rupees. If it is necessary to give increment to some of the police staff why not wait till the return of normal times.

"We find that some of the items are put down as—

(*i*) Additional temporary force for Intelligence Branch Rs. 1,04,308.

(*ii*) Increase of temporary force for District Intelligence Staff Rs. 2,13,446.

(*iii*) Temporary Establishment for Motor Vehicles, Arms Act and Passport and Press Departments of the Commissioner of Police, Calcutta. Rs. 16,164.

(*iv*) Temporary Boat Establishment Rs. 5,193.

"These have been put down now as temporary arrangements, but I think there will be permanent recurring charge of nearly Rs. 3,39,111 per annum besides other recurring charges. If this increased expenditure has at all to be incurred we should like to have an assurance from Government that these items of expenditure will not be made permanent.

"There is one subject upon which I should like to say a few words. It is about the Sibpur Engineering College. It is a matter of great satisfaction to learn that the college in all probability will not be removed from its present site. I understand, however, that on account of want of accommodation in the college large number of students cannot get admission there. Probably the matter has not been formally brought to the notice of Government by the Principal of the College. If, however, it be a fact that larger accommodation is necessary I hope and trust Government will provide the same without delay."

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The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I beg to congratulate the Government on the aggregate increase of revenue and feel disappointed that it has not been applied to schemes of social reform or the development of any beneficial service. I am aware that the satisfactory revenue position is due largely to favourable agricultural conditions and the unusually large profits earned by jute companies and miscellaneous mills in 1916-17. I wish it had been found possible to devote the major portion of the money thus received to purposes of lasting benefit to the people. Sanitation, Education and Industrial Improvements are subjects on which we feel keenly.

"The sanitary condition of Bengal is nothing, if not deplorable. Only the other day Your Excellency referred to the baneful influence of malaria and said : 'Every year there occur in Bengal from 350,000 to 400,000 deaths from this cause alone. But a mere enumeration of the deaths gives but a faint idea of the ravages of the disease. It is probable that at least a hundred attacks of malaria occur for every death and it is estimated that this disease alone is responsible for 20,000,000 days of sickness in the Presidency every year.' Though fever is the great killer of Bengal we have also to consider the prevalence of cholera in rural areas. It is idle to deny that both malaria and cholera are preventible diseases and it only requires the adoption of necessary measures to uproot those evils which are responsible for many disagreeables in a great part of Bengal. The sanitary condition of Bengal cries aloud for the adoption of a vigorous policy involving the expenditure of large sums which must be found.

"In the matter of education also the sum allotted is inadequate. I will first of all speak a few words on primary education. It is now considered to be the duty of every civilised Government to provide free primary education for the people. And it is deeply to be regretted that in this matter even some of the important Native States have adopted a policy which we in Bengal demand in vain. In Bengal, in 1916-17, the number of primary schools for boys was 31,617 with 11,468 pupils. The expenditure on them was Rs. 37,40,699, of which Rs. 17,95,596 was from fees ; so the Local Government and the Local Bodies between them paid only Rs. 19,45,103 or a little over Rs. 5 per school per month. This is wholly inadequate to attract really competent men to the profession. I understand in the Imperial Legislative Council the Hon'ble Sir Sankar Nair has submitted a statement showing improvement in this matter. But I regret I have not been able to get a copy of that statement. The Government of India have, I am glad, made a special recurring grant of £200,000 for the development of primary education and the Hon'ble the Finance Member has made a conditional promise to allot a further sum for that purpose. But the Government of Bengal has not proved as liberal as the Government of India. I deplore the attitude taken up by the Government of Bengal towards an important institution like the Mahakali Pathsala. Its usefulness cannot be gainsaid ; and a non-recurring grant would have saved it from that financial embarrassment on which it is now likely to suffer shipwreck. In 1916-17 while 44·56 per cent. of the male population of school age were at school, the percentage of females was only 8·58. The disparity is depressing; and an earnest effort should be made to remove it. Hence institutions which are instrumental in spreading female education deserve special attention. And I once more hope the Government will find it possible to help the Mahakali Pathsala.

"Bengal cries aloud for industries other than the universal, but insecure industry of agriculture. We had prosperous industries. And some of them are still capable of revival. Bernier in his account of travels in the Mogul Empire during the latter part of the seventeenth century wrote ; 'Bengal abounds in sugar with which it supplies the kingdoms of Golconda and the

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Karnatic, where very little is grown, Arabia and Mesopotamia through the towns of Moka and Basra and even Persia by way of Bendor-Abbase'. That industry is now in a moribund condition. When the war broke out we hoped that the opportunity for its revival had come. In reply to a question in the Imperial Legislative Council the other day a statement showing the estimated outturn of date sugar in Bengal was submitted :—

Year.	Tons.	Year	Tons.
1913-14	97,300	1915-16	99,200
1914-15	96,500	1916-17	101,100

The increase is microscopic.

"In reply to a question asked by my friend, the Hon'ble Babu Brojendra Kishor Ray Chaudhuri, the Government admitted that suitable brine for the manufacture of salt had been found in the Chittagong side of the Bay of Bengal. In view of the recent disturbances due to the abnormal rise in the price of salt would it not be proper for the Government to help the establishment of the salt industry in Bengal?

"Materials for the manufacture of pulp for papers are not wanting in Bengal. These should be utilised. And in the matter of establishing new industries Government help is indispensable.

"I hope the Government will see its way to give an impetus to the desire on the part of the people to take to industrial pursuits. It has often been said that the rich in Bengal are content to grow richer as they sleep and their placid slumber is seldom disturbed by disquieting dreams of the responsibilities of wealth. But that charge can no longer be levelled against them. They are realising the responsibilities of wealth, and capital is coming out of the safe shelter of the iron box. But without Government help nascent industries cannot prosper so as to withstand the competition of foreign industries.

"The expenditure on police is extravagant. We all feel the necessity of improving the police of the province. But mere expenditure of huge sums cannot improve the *morâle* of a service. The subject has been so often and so fully discussed on various occasions that I refrain from discussing it any further.

"There is only one other point on which I wish to speak to-day. The partitioning of the districts of Midnapore and Mymensingh in the teeth of public opposition where cases have not been made out for such redistributions cannot be supported. Such partitioning involves huge expenditure and in some cases their utility is questionable. We are all along looking forward to the grant of responsible Government. In introducing the Financial Statement for 1918-19 in the Imperial Legislative Council, Sir William Meyer said: 'We have under consideration, * * * in connection with the scheme of constitutional reforms, a material advance in the direction of separating Imperial and Provincial finance'. That indicates that the reforms will soon be introduced. And I earnestly hope that all schemes of redistribution of territories should be kept in abeyance till responsible Government with independent resources consider such schemes on their merits."

The Hon'ble MR. ALTAF ALI said :—

"My Lord, it is my pleasant privilege to congratulate Your Excellency's Government on the general financial position of the Presidency. In the words of the Hon'ble Mr. Donald, 'our receipts have exceeded our expectations,'

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and this is no small thing at a time when money is so scarce as the inevitable result of the European war. While I say this, I cannot help observing that 10 lakhs of this increased income have been derived from Excise. I am sorry to say that this fact discloses a lamentable state of things. This increased sum of 10 lakhs, if it points to anything, points to a corresponding increase in the drink habit of the people. My Lord, I can conceive of no evil more revolting than the habitual drinking of spirituous liquor. It is inconceivable how people, who have not the wherewithal to feed and clothe themselves, can afford to consume such a large quantity of licit country spirits. My Lord, it behoves every well-wisher of the country to try his best to put a stop to this growing evil and thereby improve the moral condition of the people. Certainly it is not too much for me to hope that Your Excellency's Government will not be unmindful of their responsibility in this direction and would pass such orders as may be deemed necessary to prevent the grant of increased number of licenses to stockists of foreign liquor and to manufacturers of country spirits. It is stated in the Revised Estimate that income tax has contributed fifteen-and-a-half lakhs to the aggregate increase of revenue amounting to Rs. 53,33,000 and this is due to the unusually large profits earned by jute companies and miscellaneous mills in 1916-17. Nobody should object to the increase of income tax as it bespeaks financial prosperity of the people and affects only the well-to-do classes. More than 18 lakhs of the increased revenue came from the sale of quinine to the Military and other Departments. The Law courts contributed Rs. 2,25,000 chiefly from fines in Magisterial Courts. I am glad to find that there is a considerable falling off under 'Stamps,' which means that the people were less litigious during the year under review.

"On the expenditure side I find that there are savings mainly under the heads of Police and Education. It is, indeed, satisfactory that police expenditure was reduced, but I cannot view with satisfaction the decrease of expenditure under the heads of Education and Sanitation amounting to Rs. 17,87,000. Everybody knows and admits that these two are by far the most important matters calculated to promote the welfare of the people. The most potent scourge of life in Bengal is its appallingly bad sanitation. As a matter of fact, there is practically no district in Bengal which can boast of being free from the ravages of malaria, cholera and other malignant diseases.

"My Lord, while Your Excellency's Government have not done justice to the Departments of Sanitation and Education, they have found means in this critical time to provide for such measures of dubious utility as (1) the construction of steam launches for the River Police in Eastern Bengal, (2) the re-organisation of the Eastern Bengal Police, (3) the construction of launches for river patrol arrangements for Calcutta Port Police, (4) the increase of a temporary force for District Intelligence Staff, (5) the raising of the proportion of the ordinary reserve of head-constables and constables, and (6) the proposal for raising the pay of head-constables. Although I mention only six items of objectionable expenditure, I am able to extend my catalogue to thrice as many. My Lord, although from the list of items I have criticised just now, it may appear that I have attacked only one Department of Government, namely, the Police, I wish to make myself clear that I am not one of those who in season and out of season cry down the Police. I only meant to point out that the measures are not so urgent in their nature as not to be deferred till next year to make room for measures of such public utility and urgency as supply of drinking water, schemes for the check of epidemic diseases and spread of education amongst the masses. My Lord, these are the real requirements of the public at large. Not to speak of rural areas, in which people practically drink mud at this time of the year in order to quench their thirst, there are several municipal towns in which pure drinking water is a luxury to all intents and purposes. I am

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[illegible] for instance, of the existence of a large number of filthy [illegible] [illegible] area of the Tangail subdivision. As there are very few [illegible] the [illegible] people have no other alternative than to drink the [illegible] which [illegible] tanks contain with dire consequences. While I am glad [illegible] th[illegible] of Rs. 38,600 and Rs. 10,000 have been made for the [illegible] at [illegible] and Rajbari, respectively, I cannot but make an appeal for a [illegible] [illegible] works to be installed at each municipal town as early as possible. [illegible] indeed, would give real relief to thousands of people throughout [illegible]

"My Lord, as a representative of the District Boards, I am grateful [illegible] [illegible] for practically accepting my resolution on the subject of appointing [illegible] Chairmen at the last Dacca session of the Council. While I [illegible] for the appointment of non-officials as Chairmen, Government have [illegible] kindly conferred upon five Boards the franchise of electing their [illegible] [illegible] In fact, Government gave more than what I wanted. I might ta[illegible] opportunity of reminding Government that my own Division, [illegible] [illegible] has been left in the lurch—perhaps forgotten. Emboldened by the [illegible] my resolution above referred to, I take this opportunity of request[illegible] [illegible] to introduce the elective system into the constitution of [illegible] [illegible] Boards. I shall come up with a resolution at the next session; [illegible] [illegible] Government will take this as a timely hint and forestall my resolution [illegible] the concession before we meet again in Council.

"In conclusion I would like, my Lord, to make an appeal to Your [illegible] on behalf of and in the interest of the poor agriculturists who have bee[illegible] hit by the effects of the war. These mute millions who toil in the [illegible] fields year in and year out, and produce our foodstuffs by the sweat of th[illegible] brow, care little for politics and much less for those higher avocations [illegible] in which the upper classes are engaged. All that they want are two [illegible] meals a day and a few yards of rag to clothe themselves with, [illegible] this has well nigh been denied to them. Rice and jute markets having [illegible] and the price of salt and cloth—two indispensable necessaries of [illegible] been abnormally high, they are now practically involved in a h[illegible] struggle for existence. It is difficult for them to keep their body [illegible] together any longer. To make matters worse, a sort of panic is [illegible] amongst them by reason of the recent looting of *hâts* in several [illegible] the Presidency. My Lord, I pray, with all the emphasis that I can [illegible] for Your Excellency's personal intervention in the matters above [illegible] to, with a view to stop this sad state of things as far as circumstances [illegible]"

[illegible] Kumar Shib Shekhareswar Ray said :—

"My Lord, last year, on this occasion, I drew the attention of [illegible] Excellency's Government to the huge sum of Rs. 21,00,000 [illegible] settlement operations. I further pointed out that it was a kind of expendi[illegible] ture which was neither immediately productive nor of such an urgent and necessary character that it could not be put off for some time. These operations not only cost the Government an outlay of such a big [illegible] [illegible]

[illegible] th[illegible] it [illegible] the [illegible] cost to [illegible]

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this is the chief reason why the Government are not inclined to put a stop to this unnecessary extravagance even at a critical period like this. But the terrible strain that it means to the financial resources of the districts affected can be better imagined than described. The situation may be briefly summarised as follows :—

(1) The Government intend to spend a sum of Rs. 22,00,000 on district settlement operations which are entirely unproductive and unnecessary and not at all of an imperative character.

(2) The landlords and tenants shall have to spend a sum of about Rs. 22,00,000 for supervision and superintendence of these operations.

(3) The Government have decided to recover this year Rs. 18,00,000 from the landlords and tenants as cost of past settlement operations.

"In other words it means that at a terribly hard time as the present, the Government and the people have been called upon to spend a sum of Rs. 62,00,000 on a work of more or less doubtful utility and I beg to submit that had the advisers to the Government been prudent enough in the past and stopped the settlement operations immediately on the outbreak of the war, this vast sum would have been to-day, at the disposal of the Government for helping the cause of the war ; but all this advantage is now lost. But yet much could be done by the Government if they stop the work wherever possible, even now. If it be possible to postpone operations involving an outlay of say ten lacs, it would also mean a saving of ten lacs to the people immediately and a further sum of Rs. 7½ lacs in the immediate future. My Lord, Government have not imposed any fresh taxation and have even restrained the flotation of new companies solely with a view that the new War Loan and War Charities might not suffer but these settlement costs are surely a kind of burdensome tax, and cannot but seriously affect the subscription to the War Loan in the districts concerned. I therefore appeal to the Government that as far as possible settlement operations might be put off during the continuation of the War and I hope that a serious attention would yet be given to this subject both by the Imperial and Local Governments. It has been urged by some that if the settlement operations are stopped, an efficient and experienced staff consisting of kanungos and amins would have to be disbanded and consequently trained men would not be available when the work would be resumed with the return of normal times. But I do not think that there is much force in this argument. These kanungos and amins cannot vanish away from the face of the earth and would surely be available to the Government in any number, whenever necessary.

"My Lord, owing to war conditions there is no market for jute and the price of food-grains is also very low and consequently our collections have considerably fallen off. In fact it has become an acute question with many of us as to how to make the two ends meet. The Government could considerably help us to tide over the difficulty if they realised this year 50 per cent. less of what has been budgetted for recovery as being our share of settlement costs. The balance might be realised next year or year after. These costs in many estates far exceed their revenue and consequently great difficulties are being experienced by the zamindars in paying this extra tax at an extremely difficult period of financial depression like the present. I hope this fact too would engage the sympathetic attention of Your Excellency's Government in adjusting the revised Budget. As I have pointed out before, if the Government postpone some of the settlement operations, they might easily help us without in any way disturbing their financial position.

"My Lord, now I turn to the police expenditure. The colossal amount budgetted for expenditure on the police has been very much engaging the

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attention of the public and I am afraid my constituency would not be satisfied if I do not say a few words on this subject. It is by far the most expensive department of the Government. Even at a time when every endeavour is being made to curtail expenses in other departments, the police expenditure is really on the increase. As a zamindar I can easily realise the position of the Government in this matter. The stability and reputation of the Government depend on the amount of safety that they afford to the people under their charge and so any department which helps to secure this state of affairs would undoubtedly receive the best attention. In our zamindaries, too, my Lord, the department of law receives our best attention. So long as this department is well organised and we are in a position to take prompt and adequate legal measures against our offending neighbours and tenants, we are respected as strong and efficient zamindars and left undisturbed and so even in worst years we hardly curtail our expenses here. The expenses we hasten to curtail are those which affect the most inarticulate subjects, as for instance the Deva-seva. Similarly the Government have proceeded to curtail those expenses which affect the most inarticulate section of the public, as for instance the expenses on rural sanitation and agriculture. My Lord, as a zamindar I really do not murmur at the attitude taken by the Government towards the police department in preference to others. But, my Lord, I beg to submit that in our zamindaries it sometimes happens that too much attention to the department of law brings about the ruin of the zamindari itself. To avoid this catastrophe, good managers periodically revise the law budget and effect a good deal of economy by having recourse more to sweet reconciliation and compromise than to legal frightfulness. I therefore venture to suggest that the Government might make a thorough examination of the police expenditure and see if any reduction is possible by adopting some other methods in regard to the police.

"My Lord, speaking of the police, I find that an important item on account of village police involving receipts and expenditure, each well over half a crore of rupees, has no place in our Budget. From my personal knowledge I might say that the administration of Village Police Funds is far from satisfactory. In my humble opinion the income and the expenditure on this head might be provincialised and shown in the Budget, and the Government should also devote more attention to the efficient administration of this department. Sir Satyendra Sinha introduced this morning the Village Self-Government Bill, and I find that the Village Police Funds are to be properly supervised by the villagers themselves. In that case I think my request comes too late. But I make the suggestion for what it is worth. In this connection, my Lord, it strikes me as an anomaly that while we, the people in the mufassal, pay a police tax of over half a crore of rupees, those in urban areas do not pay anything towards the maintenance of police forces in those areas, and I take this opportunity to suggest that the Government might take steps to rectify this anomalous distinction between the rural and urban population."

The Hon'ble MR. MACKENZIE said :—

"My Lord, the rules which govern the general discussion of the Budget in Council provide that the discussion shall be limited to those branches of revenue and expenditure which are under the financial control of the Local Government, and the Secretary to the Council in the Circular which he addresses to non-official members in anticipation of the discussion is careful to warn members that observations and suggestions which are not distinctly related to the Budget statement may be held to be out of order. I trust I will not be held by Your Excellency to be out of order if I refer to an item of expenditure which, although not, strictly speaking, coming within the

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category referred to, is nevertheless an item of expenditure which might be curtailed with advantage to all concerned. I refer to the expenditure of time in the discussion of resolutions on the financial statement.

If I am permitted to refer to this matter I hope I shall be acquitted by my colleagues on the Council of any desire to read the Council a lecture as it were. Even were I qualified, which I am painfully aware I am not, that is the last thing I should desire to do, and I hope therefore no offence will be taken where none is intended. I merely wish to say how it strikes the average business man and I am sure my friends on the other side of the house representing the Bengal Chamber of Commerce will bear out what I say. The Hon'ble the Maharajadhiraja of Burdwan referred to the matter at the discussion which took place a year ago almost to a day. Referring to certain resolutions on police expenditure, he said that after the declaration by the Government that the money budgetted under that head could not be diverted any business man would have said that many of the resolutions that followed ought to have been dropped. The same thing cannot have failed to strike any impartial observer in connection with the discussions which took place on the Revised Financial Statement which occupied the time of the Council for three whole days. I take it we are all here to see in what way we can best advance the interests of this great Presidency, and I cannot help feeling that this cannot best be done by the policy which there seems a tendency in some directions to adopt of 'flogging a dead horse'. Such a policy, in my opinion, can only tend to alienate sympathy from even a good cause. Time is money and it is just as essential therefore that the expenditure under this head as under any other head should be kept as low as possible. This is necessary in the interests of the Members of this Council as a whole and particularly in the interests of the Members in charge of the different portfolios and the hard-worked Secretaries of the various departments on whom special war measures, added to the already onerous task of administering a large province like this, have placed a special strain which it is our duty to lighten as far as lies in our power. I feel confident that only by working together in this way and by avoiding the policy of 'pin prick' we shall best advance the interest we all have at heart.

In this connection a suggestion has been made by another non-official member of the Council that the proceedings might be materially curtailed, if in dealing with resolutions the Government member followed the mover in the debate.

After hearing what the Government member had to say it would not infrequently be unnecessary for others to prolong the discussion. I do not know if it is possible or if possible, in all cases advisable, to adopt this procedure, but I have noticed it is sometimes followed with satisfactory results.

Another suggestion which has been made is that the practice of requiring that the names of those who wish to speak should be handed to Your Excellency beforehand might be discontinued, and that it should be sufficient for anyone wishing to speak to catch Your Excellency's eye.

I must confess I put forward this suggestion with a certain amount of trepidation as I fear, if adopted, it might have the effect of prolonging rather than shortening the discussions, but it would at all events give an opportunity of speaking to those who might not at the start of a debate wish to take part but who might find reason at a later stage for wishing to interpose.

And Your Excellency could always conveniently turn a blind eye when, in Your Excellency's opinion, the discussion had proceeded far enough.

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I have to offer Government my congratulations on the successful resistance offered to the numerous attacks on the schemes for the partitions of Midnapore and Mymensingh. We find in business that when a thing gets too big for efficient control by an existing organization we have either to increase our establishment or be prepared to lose money. It is hardly necessary to say which alternative we adopt. I have no doubt the same thing applies in the management of a province or a division, and I have equally no doubt in my own mind that the partition of these heavy districts will prove to be a productive work of the first magnitude not by any means the smallest portion of the benefit going to those whom, as I gather, the partition was primarily designed to benefit, namely, the people of the district themselves. I hope that the opposition to these schemes has now been finally laid to rest, and that before long in pursuance of the policy of partitioning the large districts with a view to the more efficient administration of the Province we shall shortly have another new headquarters division at Asansol. I understand that a memorial has already been presented to Your Excellency in this connection by those interested, and I hope it will receive early and favourable consideration.

Referring to expenditure on the Police which has formed the subject of much adverse comment, I may say that I am not one of those who hold the view that all is well with that particular force. That they have done excellent work in many directions no one will deny, but there must be some grounds for the very general feeling of distrust in regard to them which is evidenced by the non-official Indian Members of this Council. I would strongly urge upon Government, therefore, that they should endeavour to unearth the causes which lie at the root of this distrust with a view to their elimination. I do not blame the superior officers of the force although recent unfortunate events, to which it is perhaps unnecessary to refer again, have shown that like other people they are liable to make mistakes. I believe, however, they are doing their best in the face of much opposition with very indifferent material, and I can only hope that time will show that the apprehensions of our non-official Indian friends that the continuous and ever increasing expenditure on Police reform is out of all proportion to the results achieved are not well founded. I note that a considerable portion of the expenditure to which exception has been taken is in connection with the River Police in Eastern Bengal, and while no one will deny that the efficient policing of the great rivers of the Province is a matter of urgent reform, it is of equal importance that the rivers themselves should receive more systematic attention than they do at present at the hands of Government. And that brings me to a suggestion I have to make, which might be taken into consideration before another year, and that is the formation of a Waterways Trust somewhat on the lines of the Calcutta Port Trust, which will charge itself with the improvement, regulation and conservancy of existing waterways and will suggest such schemes as may be considered advisable for the development of river-borne traffic. The question of water carriage has received a great deal of attention during recent years on the continent of Europe, the United States and last of all in the United Kingdom.

I might at this point appropriately quote the recent views of two eminent British Engineers on this question. The quotations are from the Minutes of Proceedings of the Institution of Civil Engineers issued in October last which have just come into my hands.

Speaking in a discussion on the Keadby Bridge on the Great Central Railway, Sir John F. Griffith said *inter alia* :—

'One of the lesson of the war has been the importance of inland navigation; it is to be hoped that the country will profit by that lesson, and will, at an early date, take advantage of its natural waterways and improve both them and the canals, to suit them to modern requirements and form a useful supplement to the road and Railway system.'

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Mr. J. A. Saner, who followed Sir John Griffith in the discussion, concluded his remarks as follows :—

'I desire to emphasise the remarks made by Sir John Griffith as to the great importance in all cases where navigation or canals are crossed by Railway or road bridges, of preserving the waterways as fully as possible for the use of the traffic. Everyone now realises that had the proposals of the Royal Commission on Canals and Inland Waterways been carried into effect, there would have been much less congestion on the Railways at the present time, and that a large portion of the cost of the reconstruction and alteration of the waterways would have been actually saved and refunded during the past two years.

If these views emphasise one thing more than another it is that we should avoid the mistake that was made in the United Kingdom of throttling the waterways. I do not think there is any danger of our doing so; at the same time the onus of upholding the rights of a free waterway should not devolve on private carriers, but should be on a suitably constituted Trust including representatives of the carriers.

The value of water transport has long been recognized in France, Germany and Belgium as being of enormous importance, and huge sums have been spent in perfecting communications between the various large centres. Water transport has its place as a department in the State economy of each of these countries and various schemes for developing the resources of the nation are subjected to the closest scrutiny of experts on waterways or water transport.

From the number of questions put in this Council regarding the improvement of rivers and *khals* I am glad to think that opinion in this country is awakening to the importance of the problem of improving waterways not only from the point of view of transport, but also from the important point of view of sanitation. If attention to waterways is found necessary in the interests of the State when dealing with the limited resources of the United Kingdom how much more would it appear desirable to place the magnificent waterways of India under an Executive which should have their protection and development as an exclusive trust. There is at present in existence a Standing Waterways Committee, but it lacks one important factor, authority. It can advise, suggest, object or criticise, but it cannot act, and is thus incapable of vigorously addressing itself to the many important questions which arise from time to time in connection with waterways and water-borne traffic. In making the suggestion for a Waterways Trust I wish it to be clearly understood that I am not for a moment suggesting that the Government of Bengal are not fully alive to the importance of this subject. The Local Government through their Public Works Department have done much towards improvement of waterways and have initiated valuable schemes, and I would like to take this opportunity of bearing testimony to the ready sympathy which any project that has been put forward has always received at the hands not only of the Member in charge but at the hands of men like my hon'ble friend Mr. Cowley and Mr. Addams-Williams. I consider, however, that a Waterways Trust is none the less necessary for the reasons I have given and in this view I believe I am strongly supported by such important bodies as the Bengal Chamber of Commerce and the Commissioners for the Port of Calcutta. It is not perhaps too much to hope therefore that a Trust such as I have indicated will before long find a place in the State economy of this country. I do not think the formation of such a Trust would involve any great expenditure at the outset, and once it were got into proper working order it would, I feel quite sure, be self-supporting, while the benefits to the country at large would be enormous. I feel sure, my Lord, that if more had been known in Delhi and Simla regarding the waterways of these parts, the

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types of vessels plying on them and the way in which the business is conducted, many of the muddles that were made in the early days of the campaign in Mesopotamia in connection with the inland water transport would have been obviated.

In this connection I should like—if I am in order in so doing—to refer to the remarks of the Hon'ble Mr. Beatson Bell in replying to a resolution moved by an Hon'ble Member from Chittagong regarding the improvement of the Chaktai *khal* at the meeting before last. The proceedings of the meeting have not yet been published, but I think, if my recollection serves me rightly, the Hon'ble Member in charge said that in this case the Government proposed to try a small experiment in local self-government and by way of so doing proposed to notify the *khal* under the Canals Act and give the merchants who used it permission to improve it themselves. I think he also said that Government would not be justified in spending the rate-payers' money for the benefit of the few merchants who used the *khal*. Knowing Mr. Beatson Bell's keen sympathy with waterway projects, I was rather surprised at the time that he should have taken such a narrow view of Government's obligations in a matter of this kind, but I was unable to say anything at the time as I believe I had not the right to speak. I would like to put on record however that I do not agree that the benefit in such cases accrues only to those who make use of a waterway.

Rivers and *khals* are as much highways as roads or any other means of communication—in fact are the natural highways of the Province—and it is as much the duty of Government to conserve and improve them for the benefit of the community at large as it is their duty to maintain roads.

I am aware that the Inland Steamer Companies have accepted a similar measure of self-government at Serajganj, but they have done so not because they think it right but because, for the time being, they are unable to do better.

At the discussion of the Budget last year the Hon'ble Mr. Eden made reference to the Grand Trunk Canal Project, and expressed the hope that nothing would be allowed to interfere with its consideration and early adoption.

Mr. Eden referred to the great benefits that would accrue to practically all sections of the community from the construction of the Grand Trunk Canal, so that it is not necessary for me to do so again.

Replying to Mr. Eden the Hon'ble Mr. Beatson Bell gave the assurance that Government had not the least intention of pigeonholing the project, but proposed, as soon as normal conditions were resumed, to take it up and push it through. There, so far as I am aware, the matter rests, and I take it that considerations of Imperial finance still prevent anything being done. While realizing that these considerations are paramount I cannot help regretting that it seems impossible to make a move of any kind: We shall welcome a beginning however small. I do not think the menace of the rapid deterioration of the present steamer route *viâ* the Sunderbans, as pointed out by Mr. Addams-Williams, is sufficiently realized. The whole of the river-borne traffic of Eastern Bengal and Assam is dependent for its exit from and entrance to the Hooghly on one river, the Dooagra, which, in the opinion of Mr. Addams-Williams, must inevitably be closed entirely before many years. If this closure takes place before the alternative route is available, is it realized what a calamity it would involve to the trade of this and neighbouring Provinces? It would be bad enough at any time, but, at the present time,

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with Railways unable to cope with the traffic offering and the trade of these Provinces dependent in a greater measure than usual on river transport for an outlet, it would be nothing short of a disaster. I think the mercantile community of Calcutta are fully alive to the menace I have referred to, and would strongly support me in urging that a beginning should be made as an earnest of the Government intentions that the scheme will be pushed through. I quite realize the difficulty about funds, but would it not be possible to make a start by utilizing the large number of Turkish prisoners for which I understand the Government of India are anxious to find employment. The Government of India have been pressing these prisoners on the attention of Calcutta for some time, and experiments are now being made with a view to their employment in collieries. But after all coal cutting is a business that requires a certain amount of skill, and it is by no means certain, either that the experiment will be a success or that the collieries will be able to absorb all the men available.

It seems to me that more congenial employment might be found for them in connection with this Canal project while Government would be getting some return for the large sums they are spending on their keep. I have not consulted any body about this suggestion, and merely make it for what it is worth in my anxiety to see a start made.

My Lord, I am sorry to have taken up so much of the time of this Council and I am afraid, after what I said in the early part of my speech, I may be accused of inconsistency or worse. My Lord, I plead the rules. I would have been very glad to have had my speech taken as read, but the rules specifically provide that no speech will be taken as read, thereby placing a premium on the waste of time of which I complain."

The Hon'ble KHAN SAHIB MAULVI AMAN ALI said :—

" My Lord, Your Excellency's Government have again assembled amidst the sufferings and trials of this world-war to discuss the Budget. The Finance Member essaying the difficult task of limiting the Budget expenditure within the resources of the provincial revenue deserves the support of all in his arduous task. This year the task proved almost impossible, and the Government of India allowed the Local Government to estimate for a deficit of Rs. 40,20,000. The very necessity of being compelled to frame a deficit Budget shows paucity of funds and the amount of anxious care, bestowed on the Budget, by the Member in charge. But I regret to be unable to congratulate the Hon'ble Member on the appropriations of revenue to the different requirements of the Presidency. While framing the Budget the Finance Member evidently forgot the Chittagong Division. This oversight will leave the needs of this district unattended to during the next 12 months. If in future years the non-official members are permitted to offer suggestions as to particular needs of their districts to the Member in charge of the Budget beforehand, a repetition of the oversight may be avoided.

The Budget teems with large provisions for the Police. Notwithstanding retrenchment in all directions, the provision for the district police has been increased by nearly Rs. 40,00,000 during the last six years. Similar liberal treatment has been extended to other police forces. In the expenditure under Public Works Department large sums are provided for the police both urban and mufassal. Unfortunately the morale of the force, so magnificently treated, has not improved. Notwithstanding their motor cars, motor

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launches, palatial barracks and stately offices, the Sub-Inspector and his constables are as diligent in hunting for lucre as in the days of the John Company. The remedy seems to me to appoint educated influential people as panchayats and associate them with the police in all important cases of police investigation. Another remedy lies in enlisting educated men of birth to the police service and to hold out to them good prospects. I may state that the police has dealings with the real people, and a European high police officer, however well intentioned, often finds it well nigh impossible to unravel the toils of his unscrupulous underlings. Induce Indians of the right type to join the police force, my Lord, and in a decade the service will undergo magical transformation.

My Lord. I am glad that the provision for the sanitary improvement of the Presidency has been fixed at Rs. 11,71,000 against Rs. 5,98,000 of the previous year. But even here the case of my neglected town has entirely been overlooked. Chittagong is a growing port town. The Government of Lord Carmichael, rightly recognizing pure drinking water as the first step towards sanitary improvement of a town, granted the magnificent donation of 2 lakhs with a loan of an additional lakh and-a-half for water-works. Thus my native city embarked on its career of new usefulness equipped with the most interesting water-works of India. It may be added that our type is being copied at Puri and in the Punjab. But unfortunately the war intervened and the machinery, oil and coal quadrupled in price. To meet the emergency the Commissioners increased taxes, reduced pressure at the mains and tried various other means. To add to their difficulty the law courts declared that the meters should be provided at the cost of the Municipality. This has threatened the Municipality with financial ruin. I, therefore, take this opportunity of appealing earnestly to Your Lordship for a small grant in aid to the Chittagong Municipality. The sum may be obtained from Rs. 1,52,000 provided as 'special grant at the disposal of the Divisional Commissioners.'

The medical provision has practically remained stationary, *i.e.*, Rs. 26,86,000 against Rs. 27,75,000 of the previous revised Budget. Under this head large sums have been provided for urban medical institutions. No special grant has been received by the Chittagong district.

Provision under this head is Rs. 1,03,01,000 against Rs. 98,13,000 of the previous year. In education, as in sanitation, the bulk of the money has been given away to institutions in or near Calcutta, leaving a small balance to be doled out to different districts. When distributing this dole the Chittagong district has, as usual, been entirely ignored. I may add that the needs of our local college and attached Muhammadan hostel are really great, as is acknowledged by the Government, in the Hon'ble Mr. O'Malley's reply to my questions on the 22nd January, 1918.

My Lord, I beg to appeal to Your Lordship for a small grant to improve the Chaktai Khal of Chittagong from provision under 'Irrigation—Minor Works and Navigation.' Chaktai is the centre of commercial activity of the town, and its improvement is bound to accelerate the growth of Chittagong as a commercial city.

My Lord, the war with its attendant inevitable evils has brought one message of hope to us. I mean that it has offered an opportunity to the Indians to develop their industrial resources. Chittagong is very happily situated so far as industrial activity is concerned. In days of yore the Chittagong sailors sailed in their home-made boats to Burma and other ports of India. The old industry is not yet dead and numerous boats are locally built even in these days. State patronage and encouragement may

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be extended to this and other indigenous industries. If the Government desires that Indian produce and Indian minerals should not be exploited by foreigners at the expense of the children of the soil, no better opportunity offers than the present to support infant enterprises and create new ones."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I could not catch every word of what the Hon'ble Mr. Mackenzie said, but I have had an opportunity since of glancing through his written speech. And I want to say a few words about it. The Hon'ble Mr. Mackenzie has referred to the expenditure of time for moving resolutions in this Council. I certainly think that there is a considerable expenditure in that direction. May I ask is there not talk in the gretest legislative assembly of the world—the Parliament and how long and protracted—are the debates ! It would be a sad day for India, if we turned mute and our feelings, wishes and aspirations are choked up. But, my Lord, I think it is necessary to state on behalf of the non-official members who moved resolutions—I myself did not move any resolution at least this session—that there is a great deal of difference in this respect between the European and Indian non-official members. My non-official European friend may know a great deal—which we cannot know—and also gets what he wants without moving any resolutions from his *jatbhais* who are members of a bureaucracy whom he meets at dinners and other social functions. There is natural sympathy and community of feelings between the two sections of the European community. A very distinguished member of the Government of India, afterwards a member of the Cabinet for some time, once told one of my ancesters that the fate of India is decided at the dinner table. Matters are more satisfactorily settled at dinner table between the official and the non-official Europeans. But we Indians have no opportunity of settling things in this way, and, my Lord, although we sometimes take up the time of the Council we cannot help doing so, because we must have some opportunity of expressing our views in this Council and pressing them upon government.

My Lord, for years past I have been urging upon the necessity of the appointment of a standing finance committee to consider all financial questions, examine the departmental budgets, recurring and non-recurring expenditures, appropriations and transfers, and to find out ways and means for new and pressing schemes, whether suggested from official or non-official quarters. by a close and intimate acquaintance with the details of administration—a knowledge which under the present system the non-official members are precluded from acquiring. I again respectfully ask Your Excellency to yield to our request otherwise the budget discussion becomes academic, uninformed, unprofitable and stale, and leads to a waste of time and energy. In the standing finance committee any non-official member of Your Excellency's Council will have the privilege to submit any scheme for consideration, and if it is approved by Government or the Legislative Council the question of funds may be investigated in the finance committee. The committee shall be presided over by the Vice-President of the Council or the Financial Member, and its proceedings shall be subject to the approval of the Legislative Council. I have outlined a scheme. It is doubtless capable of improvement. Whatever the scheme may be, we want a standing finance committee—a closer association with the details of the administration instead of infructuous debates and ornamental shows. Last year the Hon'ble Mr. Beatson Bell said, in reply to me, that the proposal was not in accordance with the constitution. My Lord, the time has changed, the constitution must be changed along with it. The 'old antediluvian' system as Mr. Montagu has said must give place to a more popular and up-to-date one. otherwise misunderstanding and dissatisfaction will continue to exist. On the other hand, if the non-official members are taken

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into confidence they will understand the difficulties of administration and become a powerful ally of Government.

I regret to see that no progress has yet been made with the scheme for improvement of primary education in Calcutta. Truly the wheel of the Government's coach moves very slowly. Some three or four years ago a special officer was appointed to report on the condition of primary education in Calcutta. He submitted his report which disclosed a deplorable state of affairs which ought not to be tolerated for a day. Surely, it is high time that something should be done to establish primary education on a satisfactory footing. The Corporation of Calcutta has offered to co-operate, but the Government are not yet ready with the scheme. Not only in Calcutta, but throughout the province the present state of primary education is, in the words of Mr. Hornell, 'profoundly' unsatisfactory. He assured the Council that practical proposals would be put forward, but we have not yet seen any indication of them. But I am glad that a grant of 5½ lakhs has been made which, I hope, will be spent in removing partially the cause of the reproach. There is a great want of good schools for secondary education in Calcutta. The leading collegiate schools are all overcrowded and a number of private secondary schools have come into existence which, however inefficiently, are meeting the public wants to a certain extent. But they are all struggling with their slender means. Their want is chiefly good accommodation and the Director of Public Instruction would do a great public service if he would provide them with funds for suitable school buildings. Of the many regrettable things in the control and conduct of the secondary education, the most glaring is that, while the Imperial grant of lakhs was not made timely and proper use of by the Directorate, fresh cause of suffering, discontent and smarting has been given by the speedy issue and hasty use of a reactionary circular notorious as 'the Turner Circular'. The Hastings House school is a useful institution in its way, but the charges are so high that they preclude men of moderate means from taking advantage of superior education and training in this institution. The Director of Public Instruction said the school is not merely intended for the wealthy, but is established to meet the needs of those who want for their boys a training which the ordinary high school does not provide. But can this laudable object be gained by the imposition of a fee of Rs. 100 for boarders and Rs. 25 for day-scholars. The charges are prohibitive and quite beyond the means of the people, except the wealthy. Surely, the Government have not established this institution at the cost of the public exchequer for the few most wealthy members of our community.

May I inquire what steps are being taken to foster technical education in this Presidency? There is comparatively too much of University education and too little of technical education. To begin with, cannot provision be made for the introduction of manual training in Government schools such as drawing, carpentry, smithy and leather work, etc.?

A very useful grant was generously made to Mr. H. K. Banerjee for training in a railway workshop. Cannot an annual sum be budgetted for the training of young Indians in technical branches of Government and railway service and new avenues of employment opened to them? The tax-payers' money cannot be better spent than in this direction.

Although the expenditure under the head of the police is increasing beyond all limit, still I am sorry to say that the subordinate rank of police officers, who are all Indians, have not met with the attention they deserved. They are a body of faithful, loyal and hard-working servants, but they bemoan their lot that they are not so kindly looked after by the Government. For instance, the pay of head-constables and writer-constables in the Calcutta police are fixed at Rs. 18 rising to Rs. 26. They belong to the *bhadralog* class and are generally men of education similar to the clerks in Government

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and mercantile offices. Why should they receive such a miserable pay? I submit that their pay should not be less than Rs. 30 and the more meritorious amongst them should be promoted to the rank of Sub-Inspector, so that they may gradually rise up to the higher grade of the service. I cannot conclude my remarks with regard to the police without thanking the Government most heartily for having promoted a deserving and highly meritorious Indian officer, Rai P. C. Lahiri Bahadur, to the post of Deputy Commissioner of Calcutta police. I hope the appointment will be made permanent, and that similar encouragement will be given to other Indian officers of the police service. While congratulating the Commissioner of Police, Mr. Clarke, on the increase of his salary, I feel I must acquaint Your Excellency of the apathy of the police in regulating the traffic in the northern part of the town, especially in the crowded Indian mercantile quarters, where the police is supremely apathetic, and the obstruction is so great that one can hardly move from one end of a street to the other in less than an hour. The carters obstruct the streets and the footpaths without the slightest compunction and become insolent when asked to move, and the disconcerted traveller wonders whether Mr. Clarke has ceded this part of the British territory to the *bail*-gariwallas.

The Union Committees now being established in some parts of Bengal, and which will multiply in number, should be provided with larger funds. The recommendations of the Decentralization Committee on the subject should be given effect to. A part of the cesses levied within the area of each union should be given to it to carry out sanitary improvements within the area. The question of water-supply in rural areas has been to the fore for several years past. The re-excavation and provision of reserved tanks for drinking purposes are the crying necessities of the country. A systematic programme should be prepared for the purpose of supplying pure drinking water in rural areas. Coming nearer home may I inquire what is the fate of the scheme for water-supply of riparian municipalities near Calcutta about which we heard much some years ago? A number of Health Officers and Sanitary Inspectors have been appointed under the new Act in some of the municipalities. In my opinion it is a move in the right direction. There should be a sanitary service and Health Officers and Sanitary Inspectors should be attached to all populous Municipalities in Bengal, and the Sanitary Commissioner of Bengal should give them proper guidance to improve the sanitation of the areas entrusted to their charge. It would be interesting to know the effect on the general health of the municipalities where these Health Officers have been working. I do not know whether Health Officers have been appointed in the outlying municipalities near Calcutta. It is important that the sanitation of these municipalities should be well looked after, for the outbreak of an epidemic in these areas would not only work local havoc, but affect the health of Calcutta. With the progress of the operation of the Calcutta Improvement Trust people would be moving outside the city. The suburban municipalities should be rendered healthy and attractive to them. Considerable structural improvements as well as improvements in drainage and water-supply and communications must be made to make the suburbs suitable for residential purposes. The Government should make separate grants for the purpose, as these municipalities are too poor to contribute like Calcutta to the improvement of their areas. It is proposed to take up the improvement of Howrah; I have no objection to it. It ought to be improved. There should be a separate Trust with a separate engineering staff and with local members to form a Board, and a separate fund should be assigned to them instead of over-burdening the Calcutta Trust and draining its resources, which are intended solely for the improvement of Calcutta. This is the deliberate opinion of the Indian members of the Trust. However anxious our able Chairman.

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Mr. Bompas, may beg to extend his *raj* separation of the local Trust will work more expeditiously and satisfactorily than the over-burdened and over-worked Calcutta Trust. May I inquire in this connection what is the fate of a permanent Howrah bridge? A sum of fifteen thousand and seven hundred rupees have been budgetted for payment to the expert, Mr. Basil Mott. May I inquire what is his advice, and whether the permanent bridge will be a reality within a measurable distance of time? Speaking on sanitation in Calcutta I desire to draw Your Excellency's attention to the abominable condition of the canal on the Eastern boundary of Calcutta. The canal is in a most filthy condition and the water is no better than poisonous sewage. The Corporation have spent several lakhs in the improvement of the fringe area. It is now an excellent area with new broad roads and well-sanitated houses. But the canal is a perpetual menace to the health of the locality. Is there no one responsible for it?

I find that the pay and allowances of the Collector of Income-tax and also of the Collector of Calcutta is to be raised. It is to be regretted that while the emoluments of the Collector of Income-tax are increased the other officers under him upon whom devolve the stupendous work of assessment and the additional work in consequence of the changes in the Income-tax Law have been passed over. Their responsibilities are great and they certainly deserve well of Government, and I hope they will be granted a proportionate increase to their pay and allowances.

In this connection, I would draw attention to the present block in promotion in the Executive branch of the Provincial Civil Service The block seems to be the result of the action of Government in adding considerably to the number of posts in the lower grade of the service, leaving the higher grades just as they were. Promotions to the higher grades become in consequence much rarer than they were before, and the block has not only continued for years, but it seems it is growing more acute every year. Naturally there is disappointment and discontent in the service.

I understand that the lowest pay of the ministerial establishment in East Bengal is Rs. 30 which was fixed by the Government of Eastern Bengal and Assam, while the lowest pay in West Bengal is Rs. 25. This disparity has created great discontent and Rs. 25 is not a living wage to an honest family man. May I appeal to Government to equalize the pay by raising the lowest pay from Rs. 25 to Rs. 30 in re-united Bengal? My Lord, we are passing through a period of exceptional hardship and strain. We are all hard hit by the war, and none more so than the poorer '*bhadralog* class and the bulk of your ministerial officers come from this community. Living has become exceptionally dear. Every commodity has gone up in price and the wearing apparel, especially the cloth, has gone up in price beyond the avarice of the keenest speculator. There is much distress in the country. I appeal to Government to consider whether a war allowance cannot be granted, say, at the rate of 10 per cent., to all Government servants drawing salaries below Rs. 100.

In the Post and Telegraph Departments under the Government of India, as well as in most Railways, ministerial officers have been granted a temporary increase on their pay on account of high prices. The Bombay Government is also considering the desirability of granting such allowances. I submit, therefore, my suggestion for a war allowance to the underpaid officers under Your Excellency's Government is worthy of consideration.

In this connection I would draw the attention of Government to the fact that peons and orderlies in Calcutta and mufassal offices under the Government of Bengal are paid a monthly salary of Rs. 8 and Rs. 6, respectively. It is well known that the pay of domestic servants in Calcutta

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has [illegible] up to Rs. 10 and Rs. 12 and in the mufassal to Rs. 8 and Rs. 10. It is impossible in these hard times for these poor people to subsist on Rs. 6 or Rs. 8, the present low salary, not to speak of maintaining their family. A small increase to their salary will be an act of bare justice. It would also go to some extent to check corruption, which inevitably follows in the wake of low pay and want of means.

Before I leave this subject, I desire to draw Your Excellency's attention to the case of the reporters of this Council. For the Bengal Legislative Council with 53 members, there are only three reporters on Rs. 200 rising to Rs. 300, whereas for the Imperial Legislative Council with 64 members, there are six reporters on Rs 400 to Rs. 600. The work of this Council is not less onerous and heavy, and I hope that the Hon'ble the Vice-President will take this into his kind consideration.

Speaking on the subject of high prices it is satisfactory to note that the Government have begun to tackle the price of salt. Much more serious is the price of cloth, and the people have been very much affected by the extraordinary rise. The Government cannot increase the supply, but it can and ought to put a stop to all profiteering speculation. We do not know the amount of stock in cloth. We are prepared to bear hardships incidental to the devastating war, but the Government should see that this troublous time is not seized upon by manufacturers and middlemen for making extraordinary profit to the misery of the people."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

It is a matter of satisfaction that the privilege of making general observations in connection with the Budget still continues, though the privilege of moving separate resolutions in this connection previous to the debate, as well as of moving resolutions connected with questions of importance from time to time still continues. Some are inclined to look upon this as a remnant of pre-historic times when the Budget debate was the only occasion open to Members to refer to questions of public interest unconnected with the various Bills brought before the Council from time to time by the Government. From this point of view some are inclined to curtail this privilege, others are in favour of doing away with it altogether. It strikes me that the time-limit of 15 minutes is as much of a curtailment as might be reasonably insisted on and that no further curtailment ought to be thought of, at least at the present stage.

The various resolutions moved in connection with the Budget touch different questions or different aspects of the same question, and a general debate like this assists in comprehensive survey of the whole situation. It is a matter of gratification that sanitation and education—two outstanding questions of public importance and interest—have engaged most of the attention of the Council. There has been some slight non-official success at the Council debate in connection with these resolutions, which shows that when Members are able to bring forward practical suggestions upon which agreement among non-official Members is possible, it is possible to carry a resolution even without a division as was notably illustrated in connection with the important resolution of Sir Rajendra Nath Mukherji.

It is a matter of great concern to us that the original educational figures were reduced in the revised statement. No reason for this was put forward except war conditions. War conditions prevailed even when the [illegible] statement was prepared, and a more generous educational [illegible] was made. But, as during [illegible] in the current year, at the last moment the [illegible] on the plea that [illegible] that can be put off [illegible]. Why education [illegible] under this category is

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not very clear, and I claim that readiness for post-war reforms will largely depend upon how we shape our education to-day. There is room for expenditure for the whole of the amount originally provided and much more. Here at all events there can be no question of absence of definite schemes, for schemes we have in abundance which can be fully matured within a short time and some are quite mature. We want money for bettering our State and State-aided schools and colleges, we want money for bettering our unaided schools and colleges, we want money for strengthening University education and for nursing industrial education, we want money for placing female education on more assured basis, all of which would absorb more than the amount of reduction. We realize that owing to war conditions this is only a temporary set-back, and sincerely hope that as soon as the times improve the amounts held back will be forthcoming for the various ear-marked purposes. But even during the war and really for the purposes of the war, industrial education has to be fostered more than ever. And movements like those terminating in the Bengali Regiment, the Bengal Light Horse, and the Calcutta University Corps might well be financed to a certain extent from the provincial point of view though they have a distinctly Imperial point of view also. The good name of Bengal as a military recruiting ground can be revived at a comparatively small cost. and one notices with disappointment that no provision towards this end finds place in the Budget.

It is noticeable that under education there was a decrease of Rs. 5,30,000 last year, which is said to be due to savings under grants-in-aid and Imperial grants. This is a saving of a very questionable nature with so many urgent schemes waiting for support. Such a saving has been attempted this year also, for at page 5 of the Amended Draft Financial Statement we are told the decrease of Rs. 16,99,000 is due to savings in the Imperial grants and in the grant for the Calcutta hostels. As a matter of fact the whole of this is not savings strictly speaking, but is either ear-marked and is awaiting expenditure or has been held up.

The reference to the grant for Calcutta hostels is in regard, I suppose, to the sum of Rs. 3,35,000, which the Government of Bengal have long been under obligation to pay to the University towards its new hostel schemes. It may be in the recollection of some Members that on a previous occasion the Government of India had made a grant of Rs. 10,00,000 for Calcutta hostels which was not, therefore, applied for the purpose of these hostels but was diverted to various purposes, into the details of which it is unnecessary now to go. There was a subsequent grant of Rs. 10,00,000 by the Government of India to the University direct for the erection of the long-deferred hostels. It was thereupon arranged as a result of a conferrence that the balance in the hands of the Government of Bengal out of the previous grant amounting to Rs. 3,39,000 should be paid towards the University hostels and a scheme was accordingly prepared. In the preparation of this scheme, a somewhat liberal estimate was framed, according to the standard of the Public Works Department, and it was expected that the whole of the Rs. 13,39,000. Rigid economy and close personal supervision, however, enabled the University during the last four years to construct these hostels at a lower expenditure, in spite of the rise in prices due to the war. The work was tested at every step by the Public Works Department, and has been passed as satisfactory. In regard to the preparation of the scheme and supervision we had considerable assistance from Your Excellency's Public Works Department and from the Government Architect, which obligation I take this opportunity of acknowledging. It shows how good work can be secured cheap if the requisite goodwill prevails among those concerned, and though I am unable to state yet what the actual savings will be, I have reasons to believe that the savings will not be inconsiderable. I claim again, as I have often claimed already, that these savings ought to be devoted to the construction of hostels for students

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who are not ordinarily admitted to the general hostels owing to caste reasons. The authorities are naturally anxious that effective steps should be taken to reconcile all points of view, and that the strength of the hostel scheme, as a whole, should not be neutralized by reason of this weakness. The Director of Public Instruction has been good enough to inform me that he will be prepared to finance temporary hostels for Namasudras, Jogis and Sahas, and that is an acceptable relief so far. But the whole thing will have to be placed on a permanent basis, and it can only be done by constructing permanent hostels for these classes, as well as for our Buddhist students. The savings that we have been able to effect, and other sums, will be necessary, and I hope they will be forthcoming. It is, therefore, with some surprise that I read at page 4 of the Amended Draft Financial Statement some words which used not to figure at this place formerly. I suggest that the Rs. 3,39,000 which is shown as 'saving' is intended for the purposes that I indicate and not for a hostel for the Bethune College as the words I complain of, would indicate. As a member of the Governing Body of the Bethune College, and as one devoted to the cause of female education, no one is more keenly interested in a hostel for the Bethune College than I am. As an occassional Inspector of the College I have often pressed this on the authorities, but on no account could we consent to the diversion of any portion of this Rs. 3,35,000 for the Bethune College; that has to be constructed out of other funds of the Government and not out of the funds which have all along been intended as we understood for building hostels for private colleges.

I would once again very strongly appeal for the restoration of the grant to private colleges which, though nominally provided in the Budget for the last three years, has not been paid except in small driblets for special purposes. When the University Regulations were framed it was fully recognized that the colleges out of their own resources could not possibly effect the improvement insisted upon by the University, and in full view of this, the special grant to private colleges was provided, as well as the grant for the University mess scheme, for enhancing which I unsuccessfully appealed to the Council. Though my resolution for the larger mess grant failed, I trust some further relief will be given towards the scheme out of the private college grant, as has recently been done for special purposes like furnishing the new hostels. I would assure the Council once again that the University mess scheme cannot be properly run with the limited grant now given. In this connection I desire to acknowledge the efforts of the Government for placing the messing scheme of medical students on a better footing. The medical students had so long escaped the requirements of the residence law and it was only last year that by constant pressure the matter was taken up. We have difficulties in the case of law students also, but these we are trying to overcome because the generosity of the Government to the Law College still continues. It is distinctly reassuring to have a large grant for aiding primary education, and, if a proper scheme be prepared and the public be taken into the confidence of the Government, a good scheme with great results may be achieved during the next few months. It is unfortunate, however, that the scheme for bettering the status of the professors and teachers as a whole, sympathetically referred to by His Excellency the Viceroy, is practically in abeyance, and till this scheme matures neither primary education nor secondary education will be on a sound basis.

We are gratified to be reassured in connection with the Budget resolution and in other connections that the questions of bettering the prospects of the members of the Subordinate Judicial Service and of the Subordinate Provincial Educational Service are engaging the attention of Government. We trust tangible results will soon be forthcoming. The recommendations of the Public Services Commission in connection with the educational service have been exhaustibly considered by a special committee, which Your

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Excellency recently appointed, and the recommendations of that committee also are before Government. There can, therefore, be no reason for delaying the schemes for bettering the prospects of members of the Educational Service in the different branches. With regard to the Judicial Service it is needless to say anything further after what has been said here on behalf of the Government and we can only hope for the best.

The reassurance about the schemes for allaying the effects of Damodar Floods is also welcome. It is doubly welcome to be reassured that a sum of Rs. 20,000 is expected to achieve very large results. We trust this is not too optimistic a view. In the meantime the minor works provided in the Budget in connection with the scheme will bring some relief. I was concerned to hear from the Hon'ble Mr. Cowley in connection with some resolution before this Council that even this minor scheme might be delayed. I sincerely trust that this will not be delayed, and we hope that before long the people, though accustomed to long suffering, will have to stand no further trials. The village that honoured itself by being the birth-place of Raja Rammohan Ray is about to be honoured by having a suitable memorial of the great Raja raised after many years. This is making Radhanagar a centre of attention not only in many parts of this country, but of the wider world where the Raja's labours are known and appreciated. Now, more than ever, is the time for protecting the village and its neighbourhood from devastation of flood.

There is an acceptable increase of revenue, amounting to over Rs. 52,00,000, which has probably assisted in easing the situation to a certain extent. Rupees 9,00,000 of this sum, however, comes from Excise. The increase was originally estimated at Rs. 10,00,000, but according to the Revised Financial Statement it is Rs. 9,00,000. We do not know the basis either of the one or the other estimate, and are told that the increase which is chiefly in Calcutta, is due to the prevention of dilution and the fixation of maximum prices. This is said to have contributed to a larger increase in the consumption of licit country spirits.

If the suggestion is that there is a certain number of ill-conditioned people, who would prefer diluted and cheap liquor, and who ordinarily indulge in liquor of illicit manufacture, they have probably been given the chance of improving their taste by dilution being stopped and by prices being raised. It has been a complaint on the part of Temperance workers that too high license fees, while to a certain extent discounting the inordinate increase of shops, has the corresponding evil effect of compelling shop-keepers to force and canvass for better sale, so that they may not be put to loss or what they consider as loss. We have had a recent illustration of how these high license fees must recoil on the situation. There was, within what is now going to be the 'dry educational area'. a shop in Maniktala Street—a comparatively obscure locality—and as soon as this shop was dislodged, owing to the requirements of the dry area, it was shifted to a very prominent and attractive position in a public thoroughfare, declared as such by the municipality, viz., Beadon Street. There has been strong public protest against this location. Residents of the locality and Christian ministers of the Church, educationists, professional men and the general public have strongly protested against this site, and have pointed out less objectionable sites down some lane; but the site selected by the department will flourish, though within close proximity of bazars, educational institutions, theatres and places of public worship. The increased license fees paid monthly by the vendor will have to be made good and the thoroughfare from which other public pests had been removed is to have a grog-shop planted on it because the other side of the road happens to be the legal boundary of the dry area. It stands to reason that the dry area can be only nominally so with so much wet in its immediate neighbourhood, and it would hardly be a matter

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of surprise if the increase of Rs. 9,00,000 which we are having to-day may be more during the next year. It would be no answer to say that the increase is on country liquor and the shop in question has probably no license for sale of country liquor. Public protests like this have gone in vain before. My Muhammadan colleagues will remember how fruitless have their and our exertions been to remove the grog-shop in Wellington Street opposite the Muhammadan hostel in Bowbazar. We are very thankful for the experimental dry area scheme and I trust such scheme will be given a real chance. They may well be extended in Calcutta and the mufassal. In speaking of the efforts of the Temperance workers last year, the Hon'ble Mr. Beatson Bell with his usual candour said that they need not lay to their heart the flattering unction that the decrease in excise revenue last year was due to their efforts or to the appreciation of their efforts. He practically said that the defect would correct itself at the earliest possible opportunity and we see that that opportunity has not been long in coming. While we recognize that the Government policy in the matter of excise has been steadily progressing for the better of late, there are unpleasant features which make one anxious. and some of the matters that I have just referred to are but a portion of those unpleasant features. We must not forget what is being done in England and America towards excise reform in the larger interest of humanity, and Government here must make up its mind to do without excise revenue in time. And in the meantime they have to put down such revenues as much as possible, consistently of course with the need also of putting down licit manufacture and traffic. The All-India Temperance Conference during the last cold weather emphasized the need of reform in important directions to which I would earnestly draw the attention of this Council. All friends of the country and of the Temperance cause must insist that excise revenues should not be lightly allowed to increase and that all possible steps should be taken to control the evil. We do not say that the Government deliberately takes steps to force larger sales. At the same time, we cannot shut our eyes to obvious results which makes one uneasy and anxious. Our insistent appeal must be for reduction of consumption all round. One obvious suggestion that ought to be acceptable to the department would be reduction of the time during which hostels and restaurants are kept open. 9-30 P.M. is an hour suggested by Temperance Workers as has been done in Great Britain and as the hour bell reminding me that my time is up has just been rung I close my remarks with the suggestion for time-limit. Let us have this, at least as a war economy."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, though I am one of the sinners in the direction complained of by my friend the Hon'ble Mr. Mackenzie, I do not wish to take Your Excellency's time by adding anything to what has already been said by my friend the Hon'ble Rai Radha Charan Pal Bahadur. The only explanation is that I do not know in what other way we may make known the grievances of our constituents to the authorities other than by a discussion in this Council. I now proceed to make some observations on the Budget.

The year 1917-18 has been estimated to end with the largest closing balance shown since the year 1912-13. This result, however, is not due to the rise of ordinary revenue but to a pretty large sale of quinine and other materials for war, and to a large saving in expenditure, mainly account for the gain over the estimated closing balance of Rs. 3,15,58,000. The net gain Rs. 61,94,000 consists of—

		Rs.
(i) rise in opening balance	... ...	12,85,000
(ii) net increase in revenue	... ...	21,53,000
(iii) net decrease in expenditure	... ...	27,56,000

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The explanation given in regard to the Revised Budget is quite insufficient for thoroughly realizing the nature of the changes. I wish a separate explanatory sheet giving the details and the reasons for the alterations were attached to the Financial Statement. I hope this will be done in the future. I may be permitted here to explain the reasons of my complaint. There was a provision of Rs. 98,13,000 for educational expenditure in the Budget for 1917-18. In explaining the Revised Estimate it is stated that under head 'Education' the original Budget was reduced by Rs. 16,99,000 due to saving in the Imperial grant and the grant for Calcutta hostels (page 3). At page 22, however, in showing how the Imperial grants of Rs. 30,15,000 are likely to be expended in 1917-18, it is shown that the probable expenditure in 1917-18 would amount to Rs. 20,81,000 under 'Education' and a sum of Rs. 1,15,000 under 'Public Works Department' and that the saving in the Imperial grants would amount to Rs. 8,19,000. It is also explained at page 21 that the decrease of Rs. 16,99,000 is due to the fact that the Imperial grants, especially the grant of 9 lakhs, for improving the pay and training of teachers, and the grant of Rs. 3,39,000 for Calcutta hostels were not fully utilized and to the transfer of certain grants. Excluding the Imperial grant of Rs. 30,15,000 the original Budget provision for Education under several sub-heads amounted to Rs. 67,98,000 and the revised provision under these heads amounted to Rs. 81,14,000. So there was an excess expenditure of Rs. 13,16,000 only. How these Rs. 20,81,000 of the Imperial grants could be spent is not at all clear. Whatever expenditure out of the Educational grant is incurred under the Public Works Department either by transfer, or as original provision, ought to be clearly shown or noticed in connection with the Educational grant. In the absence of these informations it is very difficult for us to get an insight into the Budget and our criticism must necessarily be prefunctory and it may not be to the point.

The question naturally arises why of all other subjects Education should suffer so heavy a loss or, in other words, why it should thus be neglected. Out of a grant of Rs. 98,13,000 allotted to Education, Rs. 16,99,000 or Rs. 15,84,000, after deducting Rs. 1,15,000 provided under Public Works Department, could not be spent within the year. To my mind it is a public grievance and the public has a right to demand a satisfactory explanation as to where the difficulty arises in spending the sum allotted and with whom the responsibility lies for its non-fulfilment. We, the non-official members are the people's representatives, and have been crying hoarse in this Council for a larger grant and for greater facilities for Education which is at its lowest ebb in this country. The illiteracy of the masses is rather apalling as compared with the progress of Education in other civilized countries. For want of funds no educational arrangements have yet been made to make the best use of the vast resources of the country and its dying industries, and yet the Education Department, so well organized and well qualified, is unable to spend the sanctioned sum of Rs. 98,13,000. If, however, for some reason or other the whole allotment could not be spent within the year, the unspent balance ought to have been re-allotted for the very use for which it was originally intended. We are told at page 4 that it has been impossible to provide for the re-grant of unspent balances of Imperial grants for Education and some other heads, as under the orders of the Government of India, the provincial balances are not available for expenditure without special sanction. Sanction, however, was sought for and granted for utilizing Rs. 40,20,000 of this unspent balance and a list is appended to show how this sum is proposed to be spent. Three Educational grants are mentioned in the list but it appears that they are met from the ordinary allotment of the year. My complaint is that the whole unspent balance of the Educational grants ought to have been given for the expenditure which could not be undertaken or finished within the year 1917-18. We are grateful to the Government of India for the lump provision

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of 5½ lakhs for the development of Primary Education. The sum, however, is very inadequate but I hope the best possible use of this grant will be made as early as possible and the much-needed arrangement for Compulsory Primary Education, at least in selected areas, may be given a start.

I moved a resolution unsuccessfully on the Budget this year for reducing the rates of the fees to those previously obtaining in the Government colleges. I hope Government will reconsider this matter as I have every apprehension that this increment is very likely to affect the spread of high education which is so much needed in this country.

The question of the annual exodus to Darjeeling was discussed at length last year during the Budget debate by the Hon'ble Babu Surendra Nath Ray. A resolution for curtailing the exodus expenses was unsuccessfully moved at the Dacca meeting of this Council in August last. The question, however, is well worthy of serious consideration of Government. Is it really beneficial to the work of Government and does it tend to increase their efficiency, as the Hon'ble Mr. Lyon put it in the last Budget debate? If necessary at all, why not restrict it to one summer trip only? The Autumn trip at least can safely be curtailed. A stay of over three months at Darjeeling during the summer ought to be considered sufficient to renovate the energies of the Secretariat staff. The Puja vacation may be utilized by those who have a special fascination for the bracing hill climate of September or October. Public revenue should not suffer for that. Circumstances. my Lord, demand the strictest economy on all possible sides.

The most noticeable feature in the Budget is that the police expenditure is gradually expending. The ever-growing police expenditure is not only a menace but a positive obstacle to the development of other branches of the administration. It is really scandalous that Government should turn a deaf ear to the popular clamour against it. Police and police buildings have swallowed up 24 per cent. of the entire revenue for the year. With due deference to the Government view and the opinion of some of the non-official members on the subject, I am bound to say that this heavy expenditure at the present moment has no justification. It is high time, my Lord, that a special committee of this Council, both official and non-official, should enquire and consider how to check this growing demand of the Police Department. As I have shown above, a large saving under Education has been encroached upon by the police in the new Budget.

I am glad to notice that agriculture and sanitation have received more attention this year. The Calcutta University also has recognized the importance of agricultural education and has created a Faculty for Agriculture along with one for Commerce. I hope greater attention would be paid and Agricultural Demonstration Farms would be widely started and the result of these farms would also be widely circulated in vernacular and field demonstrators in agriculture would render all possible help to the agriculturists.

North Bengal is specially infected with malaria and the death-rate from fever there is abnormally high in comparison with Calcutta. Pure drinking water and proper drainage are absolutely necessary for an effective check upon the ravages of malaria. The river Atrai and the Chalan Bhil in the Rajshahi district should be thoroughly investigated. I am glad Government also feel the need for the same. The water-works for the Natore Municipality have been provided this year and the town is sure to be benefited by the project, but side by side proper drainage of the town should also be taken up.

It is a matter of regret my Lord, that India with its vast resources should be dependent upon foreign countries for its ordinary necessities of life. A very vast area is under cotton cultivation in India, but we are to depend upon

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foreign countries for even the clothes of ordinary use. Enormous quantities of jute grow in the country, but the jute-growers are in extreme proverty for the want of a market on account of shipping difficulties. With full development of industry, commerce and agriculture and educational facilities, India is sure to be self-contained and altogether independent of foreign help. That surely is the paramount aim of Government and that is the aspiration of every Indian patriot."

The Hon'ble MR. PROVASH CHANDRA MITTER said :—

"My Lord, I should like to offer a few preliminary remarks about the position of the general revenues of the province. If we turn to the first page of the Civil Budget Estimate, which was circulated, we find that the total revenue of the whole province comes to Rs. 2,363 lakhs and odd and out of that the appropriation of the Imperial Government amounts to Rs. 1,666 lakhs and odd and that of the Provincial Government is only Rs. 696 lakhs and odd. If we turn to the account for 1916-17 we find that the total revenue was Rs. 2,074 lakhs and the appropriation of the Imperial Government was Rs. 1,412 lakhs and odd, whereas the appropriation of our Government was Rs. 662 lakhs and odd. Now, my Lord, in drawing attention to this my only object is to have an investigation for the future as to how our contributions compare with those of the other provinces. I am fully aware that Imperial expenditure on heads like Army and Navy, General Administration and other necessities of Imperial concern must have precedence, but the point for consideration is whether the different provinces bear their share properly and legitimately. Now, my Lord, looking at the total figures of 1915-16 of the Imperial Government I find that out of a total revenue of 85 million pounds the Provincial revenue is 30 million pounds and the Imperial revenue 55 millions. If we work out on this basis we find that our province is contributing about a crore of rupees more than other provinces. I may be mistaken in my figures, but I would respectfully ask the Government and my colleagues to investigate the point further as a question of future importance, and the question may be one of very great importance in view of the coming reforms with regard to the future settlement or surrender or contribution of revenue after those reforms. My Lord, the Imperial Government gets a net revenue of 15 crores and odd after meeting an expenditure of 1 crore and odd out of a gross income of 16 crores and odd, whereas Your Excellency's Government gets only 6 crores and odd. With these preliminary remarks about the situation of the general revenue of the province I desire to pass on to some of the important items of our Budget, and before proceeding with my criticisms and suggestions I should like very shortly to indicate some of the heads on which I beg to offer my respectful congratulations to the Government.

The most notable of these heads are certain items provided for education, for sanitation, for agriculture and for certain items of miscellaneous and scientific departments. My Lord, these are expenditure which go towards the development of the people and they are of great importance in nation-building in the true sense of the word.

As regards the contribution on the head of Education, I desire to point out that the provision of Rs. 27,67,000 in the place of the actuals of 1916-17—Rs. 20,62,000 with regard to the expenditure for Government schools is a very commendable increase. Then, my Lord, there is the grant of Rs. 5,50,000 on primary education to which some of my Hon'ble friends have drawn the attention of this Council.

Then about sanitation some of the notable items are set out at page 24, sub-paragraphs 4 and 5. One about Rs. 2,25,000 for the Government

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contribution regarding the Aruil Bhil in Jessore and the other of Rs. 1,50,000 for the Jabuna in the 24-Parganas are items which I believe will prove very beneficial to the people. I happen to know, My Lord, some part of the country and I venture to assert with confidence that if the scheme can be properly taken up and worked by the District Board it will alleviate the preventible misery to a great extent and the people will be greatly benefited by the latter contribution.

The next item on which I venture to felicitate the Government is for the provision of Rs. 1 lakh for the distribution of Kakai-Bombai jute and Indrasal paddy as also an increased staff in the Agricultural and Co-operative Departments which were all set out in the Budget. These again, are expenditures which will help in the development of the resources of the country, from which the *raiyats* will derive great benefit and from which all sections of the community will ultimately be greatly benefited.

Lastly, there is a small item of Rs. 20,000 for the extension of Cinchona cultivation which I venture to think will lead to very good results, but I have certain suggestions and criticisms to offer with regard to this point and I will deal with it later.

My Lord, I have one more important item, namely, the provision of full augmentation grants to District Boards. I believe that the District Boards will take full advantage of this further sum placed at their disposal and I only hope that the regrettable experince of 1913 to 1916 will not be repeated again. When, my Lord, the large sum of Rs. 29 lakhs was set free in favour of the District Boards for rural sanitary improvements, the improvement of water-supply, etc., the general public expected, and I venture to think they had every right to expect, that the District Boards would take advantage of the sum which was placed at their disposal, but unfortunately past history shows that they had not their schemes ready and that instead of spending this sum of money for the sanitary improvement of the locality within their jurisdiction they increased their closing balance. In one year the closing balance amounted to Rs. 51 lakhs out of a total income of Rs. 107 lakhs and next year to Rs. 13 lakhs out of Rs. 1 crore. The public complained through their representatives in the Council Chamber. I ought to point out, however, after the issue of certain Government circulars matters have improved. I should like at this stage to express the hope and to warn that the District Boards (at any rate those which have non-official Chairmen) should take full advantage of the augmentation grant.

My Lord, these are the points on which I have ventured to congratulate the Government. Now I proceed to make certain suggestions and criticisms with regard to the Forest revenue and the administration of the Forest Department. Certain figures are helpful. I find, my Lord, in the *Moral and Material Progress of India* the total forest area is 10,612 square miles, out of that 4,871 is reserved, 1,711 is protected and 4,030 is enclosed forest. The estimated gross revenue is only Rs. 16 lakhs and odd and the estimated gross expenditure is Rs. 7,56,000. My Lord, a simple calculation will show that the gross revenue yields about one pice to the acre. I am not an expert. but is there good reason why the yield is so small, as it is a matter of common knowledge that the price of fuel, wood, timber and other necessaries of life have gone up considerably. I venture to think that there is something wrong somewhere. There is some want of organization, there is some want of touch between the consumers and the Department and my only object in drawing attention of Your Excellency's Government to this point is, that I hope that the matter will be investigated and that a large area of 10,612 square miles in a populated province like that of ours with its splendid water-ways and with its splendid railways should be properly developed and our forest revenue increased.

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Then there is the item of chincona cultivation which I referred to before. The reports of your Lordship's Government show that there are two plantations and that the total area of these two plantations is 2,300 acres. Both these plantations are in the district of Darjeeling; under favourable conditions, due to military requirements, they yielded last year about Rs. 8 lakhs, but the average income was Rs. 5 to Rs. 5½ lakhs. For half square mile (half square mile really means only 400 square yards or thereabouts) if an income of Rs. 5 to Rs. 8 lakhs could be derived, there must be other localities in that district near about these plantations with similar conditions, where by the extension of the chincona cultivation, under the experts' advice, something like 8 or 10 square miles, a total income of about half a crore could be secured. Here again, I speak with a good deal of diffidence because it is a matter pre-eminently for experts, but at the same time, knowing the climatic conditions of the district as I do, I believe that similar localities can perhaps be found and my only object in drawing the attention of the Government to this matter is that there may be further investigations about it. It is hardly necessary for me to dilate on the great importance of the extension of the chincona cultivation in a malarious-stricken province like Bengal apart from its financial importance.

With regard to the Budget for Education, I venture to think it is somewhat regrettable that the Rs. 9 lakhs which are allotted for the improvement of the training and pay of teachers were not fully utilized last year. Under the heading of total probable expenditure in 1917-18 only Rs. 2,14,000 was spent. I realize that on the first year of the working of the grant there might have been difficulties, but I do hope that in the current year the full amount will be utilized.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY said :—

"My Lord, the general features of the Budget have already been discussed by other Hon'ble members and they do not call for any further comments from me. But there are a few topics of special interest to me and my community which justify my making a few observations. Last year I dwelt at some length on the importance of Technical and Commercial education to Muslims. Since then the matter has assumed increasing importance. The University of Calcutta has realized the urgent need of opening new lines of study and new careers for the young men of Bengal, and has just submitted its recommendations to His Excellency the Chancellor to provide for the Bachelor's Degree Examinations in Agriculture, Technology and Commerce. There are departments of Government, like the Department of Agriculture, which require in candidates for employment, special qualifications in some of the subjects indicated above. Consequently, Muslim candidates, lacking the necessary technical knowledge, are debarred from obtaining appointments in these departments, despite Government circulars for the increasing employment of Muslims in every branch of the administration. The paucity of Muslim students in Government professional colleges is obvious from the statement laid on the table in answer to a question put by me at the Council meeting of the 4th September last. It appears from the statement that in the Calcutta Medical College, for instance, out of 1,040 students there are only 45 Muslims. Strenuous and earnest efforts, my Lord, should undoubtedly be made in the first instance, by prominent Muslims to bring the Muhammadan students into line with the students of other advancing communities which have early read the signs of the times. Otherwise they will find themselves once more hopelessly beaten in the battle of life and wake up too late in the day to find positions of power and influence already occupied by others. At the same time nothing sub-

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stantial is likely to be achieved without Government support and encouragement. The crime of the Muslims, my Lord, is their poverty. Without a liberal award of Government stipends and scholarships it would be difficult to induce an increasing number of Muslim students to undergo the long, arduous and expensive course of study required in professional schools and colleges. I earnestly trust that Your Excellency's Government will reserve special scholarships for Muslim students in the professional schools and colleges, and afford them facilities for admission by reserving for them a number of vacancies in these institutions. Whilst on the subject of education, my Lord, I may be permitted to invite Your Excellency's attention to a just grievance of Muslim students studying in the I. A. and B.A. classes in such Calcutta colleges as do not provide for the teaching of Arabic and Persian. In order to satisfy the University authorities, these students have to attend a course of lectures in Arabic and Persian at the University. Apart from the inconvenience of attending lectures experienced by students of colleges at a distance from the Senate House all of them have to pay an extra monthly fee to the University in addition to the fee they have to pay to their respective colleges. The result is, that in some cases, poor Muslim students have to give up Arabic and Persian and study Sanskrit and Pali instead. I hope the University authorities will see their way to reduce or remit the extra fee which they realize from these Muslim students.

My Lord, there is another matter connected with the University which is of the utmost importance to students of History. The foundation of a Chair of Oriental History and Culture is one of the foremost needs of the premier University in the East. The Carmichael Professorship of Ancient Indian History and Culture has partially supplied the need. I hope before long Government will be in a position to make a substantial grant to the University for the creation of the Ronaldshay Professorship of Islamic History and Culture.

My Lord, the extension of hostel accommodation for Muslim is also a matter to which I invite the attention of the authorities. The building in Mirzapore Street in which Muslim law students are miserably housed offers a striking contrast to the grand structure close by with electric installation and other conveniences for Hindu law students. I trust the university will adequately recognize the claims of Muhammadan students and provide better hostel accommodation for them.

Last year, my Lord, I invited the attention of Government to the sovereign importance of the encouragement of female education amongst Muslims. I fail to discover in the Budget estimate any special provision for its promotion and encouragement. As the Secretary of the Suhrawardy Muslim Girls' School I have to experience the usual difficulties which beset the path of workers in the cause of female education, and I assure Your Excellency that without generous assistance from Government all private efforts in the direction of education of Muslim girls are doomed to failure. One of the chief obstacles in the way of progress is the difficulty of getting trained teachers. There is a Training School in Calcutta for Hindu female teachers, and it is high time for Government to establish a similar school for Muslims. The intellectual regeneration of Muslims, I repeat, can never be achieved unless we lift up the veil of ignorance which separates the Zenana from the world of light.

My Lord, as the Philological Secretary of the Asiatic Society of Bengal, I welcome the allowance to it of Rs. 9,600 for standard and useful works and I avail myself of the present opportunity of expressing my grateful thanks to Government for sanctioning the renewal to the Society of a grant of Rs. 3,000 for a further period of five years for the publication of Arabic and Persian works of historical interest.

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"My Lord, from the answer to a question put by me it appears that on the 1st June 1917 the number of prisoners in the jails of this Presidency was 14,309. Of these 8,660 were Muhammadans, 5,422 were Hindus and Sikhs and only 79 were Christians. In the jails, the Muslims have the unenviable distinction of occupying a position of bad eminence. I need hardly say that some efforts should be made to improve this state of affairs. Two Chaplains are attached to the Alipore Central Jail for the benefit of the very few Christian prisoners there and a sum of Rs. 1,200 is set apart in the Budget estimate as the allowance of the Roman Catholic Chaplain attached to the Central Jail. I find no such provision for any Hindu Priest or Muslim Maulvi attached to any jail in Bengal. I invite the attention of Government to this anomaly and wonder why in this case the first should be last and the last first.

My Lord, I now pass on to a subject which has engaged the earnest attention of Your Excellency. In your address to the District Boards on the 29th January last Your Excellency has described in eloquent terms the grim tragedy disclosed by your enquiries into the nature of malaria. An unhappy victim to the fell disease, I add my testimony based on personal experience in support of its description as 'the most virulent of all diseases which afflict the people of Bengal.' A cold shiver passes through me at its very mention, and the gaunt spectre of death flits before my eyes. In the words of Your Excellency 'it gnaws steadily and relentlessly into the vitality of the people.' It cuts off many a valuable life, blasts many a bright career, prevents many a man from fulfilling the promise of his early years. To combat such a disease is one of the ambitions of Your Excellency and I have no doubt that Your Excellency's name will go down to posterity and be cherished and remembered with gratitude as that of one of the great benefactors of humanity. Like Your Excellency, I am impatient of delay at the slow progress made in the fight against the ravages of Malaria. Not to speak of rural areas the disease is rampant in its most malignant form in places so near Calcutta as Tollygunge and Garden Reach. I hope and pray that with the termination of the world-wide war which is devastating Europe and Asia, it would be possible for Government to devote an adequate sum of money for the speedy extirpation of this scourge in Bengal.

In conclusion, I invite the attention of Government to a matter already mentioned by the Hon'ble Rai Radha Charan Pal Bahadur, viz., the desirability of improving the pay and prospects of the silent victims of our eloquence—the Reporters of the Council who take down our speeches, audible and inaudible, under trying conditions."

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, we have arrived at the last stage of the Budget, and according to the practice of this Council, we are permitted to express our opinions on general questions of the administration. Representing, as I do, my constituency in the Burdwan division, I feel it my duty to express the heartfelt thanks of myself and countrymen to Your Excellency's Government for the provision made in the Budget for protective measures for the mitigation of the effects of the floods of the Damodar and the Ajai. We all owe Your Excellency a deep debt of gratitude for the personal interest Your Excellency has taken in the matter and the sympathy Your Excellency has shown to the afflicted people. I hope and trust that the measures which will be adopted by the Department of Public Works will give relief to the suffering cultivators and save their crops and their villages from devastation and ruin. In this connection, my Lord, I have to make an appeal to Your Excellency's Government and that is—in 1916 there was a terrible flood on the banks of the Ajai as well as of the Damodar and Government granted gratuitous relief as

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well as some agricultural loans to the suffering people of these parts of the district. The agreement was that the money was to be repaid after a year and as misfortune would have it, there was a flood again in 1916; the poor *raiyats* have had as yet no crops to reap since 1916 and they are now in a position worse than that they were in the days when gratuitous relief and agricultural loans were granted to them. They have approached Your Excellency's Government with petitions praying for a suspension of the realisation of these loans and the matter is now under enquiry. I hope and trust, my Lord, that the question will receive favourable consideration at the hands of Your Excellency's Government. I regret, however, to inform the Government and this Council that while these petitions are pending enquiry some zealous subordinate officials in the district are realising, by all means they can, from the suffering tenants the dues and some of these poor tenants had to sell their homestead land to pay off this money.

My Lord, much has been said already about the educational wants of this Province and for a larger grant on education. I think I express the feelings of many people interested in education when I say that a proportionately larger amount of money is spent by the Department of Education on inspection rather than on instruction, and it has been said that there are more grains in the stables than there are horses to feed.

The want of industrial schools has also been felt. We want more money for education and sanitation. That commercial institutions are wanted or that industrial education should be given an impetus will be a cry in the wilderness. Your Excellency, in closing the Budget last year, expressed a desire that some means would be found for raising the money for meeting these requirements. I am afraid that the financial stress through which we are passing at the present moment will unfortunately continue for some years to come and it will not be possible for Government to meet the increasing demands of education and sanitation and I venture to suggest that Government may find some means for raising the money by taxation even to supply the funds for education and sanitation. Certainly, direct taxation is not very welcome to the people, but the needs of sanitation and education are so great that I think our people will readily submit to it so far as the Mahommedans are concerned. There has been a complaint from all sides that we want more money for Mahommedan education and certainly we do, but, my Lord, we stand in this happy position that we try to get this money by taxing ourselves. My friend, the Hon'ble Maulvi Fazl-ul-Huq, submitted a Bill, by which we wanted to tax the Mahommedan communities to provide funds for Mahommedan education. Unfortunately for us the Government of India have thought fit not to allow its introduction. They are under the impression that no community should be taxed simply because it professes a particular faith. Whatever may be our opinion with regard to this, I hope Your Excellency's Government will introduce some form of new taxation or allow some non-official members to do it, because I personally think that the needs of sanitation and education are so pressing that we cannot wait any further and money must be found for them whether we pay it by direct taxation or get it from the Government revenue.

My Lord, more than two years back I moved a resolution in this Council for the establishment of a Government college in my native town Burdwan which is the only district where there is no model school started and maintained by Government. The then Director of Public Instruction, Mr. Hornell, very gracefully accepted the resolution on behalf of Government and expressed an opinion that a school was very badly needed for Burdwan. Since then, a site has been selected, but I regret to find that although we are spending large sums of money on different school buildings and school houses, still there is absolutely no provision made for this much-needed institution at Burdwan.

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I have to repeat another complaint with reference to the Education Department and it is that the number of text books and the variety of subjects taught in the lower classes of our secondary schools and in the primary schools unnecessarily tax the memory and the brain of our young lads.

"My Lord, much has been said about the abnormally larger expenditure on the police, and I also feel it my duty to join the general chorus of complaint. We think that the police expenditure is disproportionate to its efficiency. A complaint has been raised by the Hon'ble Mr. Mackenzie that we have spent a good deal of time or wasted a good deal in discussing the Budget and in trying to decrease the police expenditure. My Lord, we, the non-official Indian members of this Council, occupy a very enviable position—rightly or wrongly our constituents believe that we can do them a good deal of good which we unfortunately cannot. They expect too much of us and we feel that we would be shirking our duty and would be called upon to explain our conduct if we do not, in this Council, ventilate the grievances of our countrymen and our constituents and place them for the consideration of Government and the Council. When we do so, we are supposed to be hostile critics of Government and following the pin-prick policy which we certainly do not. From our place in this Council we try to place the opinions which are held and formed by our people and we do it with a sincere desire that the matter may receive due consideration. My friend to my right (the Hon'ble Khan Sahib Aman Ali) has said that if you introduce the proper sort of men to the police service, all the evils of the department will disappear. Unfortunately, I disagree with him on this point. However much we may raise the pay of the police officers we cannot change the *morale* of the service or improve its efficiency unless and until we find that the people are taken into confidence and their opinion is respected in the matter of the conduct and procedure adopted by the police. It is not reasonable, my Lord, to suppose that we, the Indian members are hostile to the police, that we do not want that law, order and peace should be preserved in the country, but I think we are more interested in the preservation of peace, order and law than the administration itself. The administration wants the police to be efficient for the sake of the inhabitants and nothing else, and if the people are always looked upon with some amount of distrust when they criticise the conduct of the police officers, I am sure the police cannot be reformed or improved. It has been our unfortunate experience to observe that whenever a complaint has been made by the public or a section of the public against the police or individual officers of the police, the superior officers of the police have always felt it necessary to support their subordinates and try to defend them or to explain away their conduct. That is the grievance which our countrymen feel on this point.

My Lord, a reference has been made to the administration charges on account of the partition of the districts of Mymensingh and Midnapore. The Hon'ble Mr. Mackenzie says that when a district has become too large for administrative purposes it is necessary that it should be partitioned. Certainly, with regard to that point what myself and other Hon'ble Members in this Council on this side mean is that this partition could have waited a year or two more as they have gone on so long. Well, speaking of Midnapore the Hon'ble Mr. Mackenzie stated that at an early date a district would be formed with headquarters at Asansol. My Lord, as I belong to the district of Burdwan, I feel it my duty to protest against any proposal for partitioning Burdwan. Unfortunately, Burdwan is a large district like Midnapore or Mymensingh. What the people of Asansol really want is a Subordinate Judge's court and not an independent district altogether. Asansol has got a member of the Indian Civil Service as its Subdivisional Officer and it will not certainly improve its position simply if it gets a Civilian of standing of two or

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more years to rule over it. I hope and trust that for the convenience of the princes of the mining industry and for the general public as well, efforts will be made to have a court-house there and locate a Subordinate Judge as it will facilitate civil business and relieve their needs.

My Lord, of late there has been a tendency on the part of administration to build residential quarters for high officials of Government. I think that is a move in the right direction, but I regret to find that the offices of Rural Sub-Registrars are now located sometimes in rented houses and sometimes in thatched houses of all sorts and it is not infrequent that theft of documents and papers occur from these offices. I think that the building of offices for Sub-Registrars where they can keep valuable documents should have a priority over the building of residential quarters for officers of Government. I hope and trust, my Lord, that this matter will receive the attention of Government.

With reference to the Department of Registration I observed sometime ago that a hope was held out to the ministerial staff of the Registration Department that their pay and prospects would be considered, but that hope has not been fulfilled. They are as much hard-worked as other ministerial officers in Government offices, and I see no reason why they should be ill-paid as they are at present.

My Lord, sometime ago one of my predecessors in Council referred to the accommodation for the District Judge's office in Burdwan. Since the floods in 1913, the record-rooms and the District Judge's offices are in a miserable condition. Papers are kept in dark holes and the time has surely arrived when a suitable building should be constructed for the location of the office of the District Judge of Burdwan."

[At this stage the Hon'ble Member had to conclude his remarks, he having reached the time-limit.]

The Hon'ble BABU AKHIL CHANDRA DATTA said :—

"My Lord, there are some points in the Budget on which the Hon'ble the Finance Member may well be congratulated. But those who spoke before me had already dealt with those points. I do not propose, therefore, to take up Your Excellency's time by going over the same grounds again.

My Lord, last year I submitted and insisted that the Budget should be based on the feelings and wishes of the people, and that it should reflect the popular wants. But this counsel of perfection was not acceptable to those whose proud privilege it was to frame the Budget of this great province.

But robust optimism must be the guiding principle in politics and in spite of the rebuff we received last year, we ventured to place the wishes of the people this year again for acceptance by the Government. We again pleaded for arresting the onward march of the steadily increasing police expenditure, we again insisted upon the suspension of the cost of partition of districts, we again pleaded for increasing grant in education, sanitation and other matters affecting the well-being of the people. On this occasion also our protests have shared almost the same fate. The persistent and insistent appeal of the people conveyed in the numerous resolutions, moved at an earlier stage of the debate, to make slight alterations in the Financial Statement, has been dismissed. I know that the Government in this country is not a responsible government—I know that the Government is not bound to consult the wishes of the people—the Government, I know, can ride roughshod over their feelings, if only they choose to do so.

But, my Lord, we are on the eve of a great change—great changes are coming, and great changes are bound to come. We are sure that the hope encouraged and built upon a Parliamentary declaration, will not be allowed, and cannot be allowed to remain unredeemed. The whole country is awaiting

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with palpitating heart the scheme of Mr. Montagu which he is now elaborating in collaboration with the Viceroy. But, is there any reason, my Lord, why, pending the introduction of the reforms, the voice of the people should be ignored? Responsible government has been declared to be the goal of British rule in India. Quite apart from the question of the whole hog we can legitimately hope that there should be a beginning made and the people's voice should be respected, at least in matters of small details. It is neither wise nor graceful that while the British Parliament and the Secretary of State for India are seriously discussing responsible government for India, the popular representatives should be looked upon as the fifth wheel to the coach in the matter of the Budget.

My Lord, my complaint is that the Budget under discussion is no improvement upon its predecessors in the matter of recognition of the force of public opinion. I am not insensible, my Lord, to the fact that the resolution of my Hon'ble friend, Mr. P. C. Mitter, has been given effect to. Small as the concession is, I am profoundly thankful to Your Excellency's Government for this. But, I for one entertained the hope that after the solemn declaration of the 20th August, the Government would turn over a new leaf, that they would bow down to the policy enunciated therein, and that the Budget under discussion would be remarkable improvement upon the Budget of the last year, and that greater respect would be shown to the popular demand as formulated in the resolutions moved on the 14th March and the two succeeding days. But, my Lord, allow me to observe that it has a disappointment to me to find that the official benches have not budget from their usual attitude. It is a matter of profound regret to the people that the declaration of the new policy have failed to make any impression upon the Budget. My Lord, as an elected representative of the people in the Council, it is my imperative duty to convey popular feelings to Your Excellency.

Apart from the declaration of the new policy, I am anxious, my Lord, to submit another aspect of the matter for Your Excellency's consideration. It must be accepted as a fundamental principle of all civilised Governments that the money disposed of by the Budget belong in the last resort to the people, and the Government is a trustee of that money. The control of the Government over the money should not be more than that of a trustee, and should be governed by all the recognised cannons of trust and guardianship. The Government has no doubt the legal right to dispose of the money in any way they like, the control of the Government is no doubt absolute. But the people feel that their interest should, after all, be the supreme consideration in the disposal of the money. Whenever the Budget goes against their interest—at all events whenever the people feel that it is going against their interest—they raise their protest in the Council through their representatives, and I respectfully but emphatically submit that their feelings and wishes are entitled to the greatest consideration.

There is another feature of to-day's Budget debate to which I feel bound to invite Your Excellency's attention. It must have occurred to Your Excellency that to-day's discussion is purely of an academical character. The Budget is already final. No discussion, however wise and informed, no criticism, however sound and sensible, will lead to any changes in the Budget. We are not permitted to move any resolution in regard to any complaint we may have to make at this stage. We, of course, have not the right to vote on the Budget. A friend of mine was telling me the other day that the final Budget debate is a splendid example of "Nishkam Dharma" inculcated in the Bhagavat Gita. But I should not be misunderstood—I have no complaint—I cannot have any complaint, against Your Excellency, because that is the regulation now in force. But at the same time I feel compelled to appeal to Your Excellency with all the earnestness that I can command to consider whether we have not the cart placed before the horse. I appeal to Your

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Excellency to consider whether this is a profitable employment of time to have any discussion on the Budget after it has made final. Why should valuable public time be wasted for nothing? The debate sometimes becomes acrimonious, and leads only to bitterness of feeling without any countervailing advantage. My Lord, can it be denied that such a procedure is calculated inevitably to lead to discontent of a serious character? It is high time, my Lord, that the rules on the subject should be amended, in the interest both of the Government and the people.

I should like on the present occasion to content myself with these general observations. As regards increase in police expenditure and other matters against which I wanted to raise my voice of protest I find that the Hon'ble Members who preceded me have all forestalled me. I feel I cannot profitably take up the time of the Council by a discussion of those matters.

The Hon'ble MAULVI FAZL-UL-HAQ said :—

"My Lord, to-day is the 4th of April, and I feel tempted to wish that we had begun the proceedings just three days earlier, so that these final discussions on the Budget might have taken place on the 1st of April. This would have been quite in keeping with the comic absurdity of discussing a Budget already in operation, and would also have conveyed both to members of Council and the outside public some idea of the real nature of the proceedings in which we are engaged to-day. The non-official members would then have realised that in spending their eloquence on such items of expenditure as Police allotments (Heaven save the mark!), they are only taking part in one of these pleasant ceremonies which custom and tradition render appropriate for the celebration of that particular day in the year. Moreover, things would then have been seen in their true perspective, and while non-official members would hardly have been tempted to take the situation quite seriously, heads of departments would also have easily realised that our eloquence can no more control the Government in its career of even reckless expenditure than the Ochterlony monument in the Calcutta *maidan* can control the traffic in Chowringhee. Further, instead of leaving bitter memories behind, these Budget discussions would have been looked upon by all concerned as a pleasant and innocent function well-fitted to mark the close of the labours of all the members of the Council before the Government took their annual flight to the hills.

My Lord, years ago when I was a boy at school, I first learnt the meaning of the English phrase 'putting the cart before the horse.' Little did I know that at some period of my life I would be destined to take some part in proceedings which seems to be based on an attempt to translate the idea conveyed by the phrase into actual reality. Frankly speaking, I cannot conceive of a more glaring instance of the policy of 'putting the cart before the horse' than is afforded by these annual budget discussions in Council. This is so obvious and so well known to every member of this Council, that I do not wish to take up Your Excellency's time by labouring this point, but nevertheless I will briefly set forth the rules for our Budget discussions, so that the public at large may be able to realise our position as it really is. The Provincial expenditure annually amounts to nearly 7 crores of rupees, and it is obvious that a much larger sum would be required to meet the legitimate demands of the Provincial Administration if all possible schemes of public utility and benefit were taken up in the interests of good and efficient administration. Naturally, therefore, the Government have to consider the relative importance of all projects brought forward by the various heads of departments, and then decide upon abandoning some altogether and taking up others, or taking them up on a reduced scale, the reduction again being effected on a consideration of relative importance and urgency. In arriving at these decisions, Government might act on their own unaided judgment, or might propose to consult

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non-official opinion. Government have wisely selected the latter course, but, unfortunately, the consideration takes place not before but after the Government have finally made up their mind and arrived at a practical unalterable decision. A glance at the rules relating to the Budget discussions will make this clear. The annual Budget is prepared in the form of what is technically called 'The Draft Financial Statement', which is presented to the Council some time towards the end of February, although we are privileged to make our first acquaintance with the document a couple of days previous to its first introduction in Council. The Draft Financial Statement is then provisionally revised by the local Government in the light of instructions received from the Government of India, and the revised figures are presented to the Council under the name of 'The Amended Draft Financial Statement.' Further alterations may be made by Government, and the revised financial statement is then presented to the Council, embodying the proposals of the Government regarding contemplated expenditure. It is important to realise that the figures in the revised financial statement are practically unalterable, and represent the final decisions of the Government on the various items of expenditure. It is at this stage, when the Budget has assumed an almost immutable shape, that we are asked to make our suggestions by moving resolutions in Council. And herein lies the true humour of the situation. Resolution after resolution is brought forward by non-official members embodying their suggestions, but it is a matter of common knowledge that Government try to meet almost every suggestion with an uncompromising negative. And the reason is obvious. If we suggest that money should be spent on a particular item of expenditure not provided for in the Budget, we have to indicate the source from which the requisite money can be drawn. In other words, we have to suggest that the expenditure or some of the allotments might be reduced or stopped, but all such suggestions are generally met by Government with the reply that the allotment in question relates to some work of absolute urgency, which may have been already begun or is otherwise indispensable. It is true that we have the power of dividing the House on any question raised by our resolutions, but it is well known that, owing to reasons which need not be discussed here, the non-official members can seldom carry the House against the wishes of Government. Although, therefore, Government consult public opinion, they do so at a stage when consultation is meaningless or unnecessary. It would be obviously more consonant with commonsense if the consultation took place before matters were finally decided, rather than after the decisions had been arrived at. Under present conditions, non-official members may take it as an insult to be invited to discuss a Budget already accepted, or to offer suggestions at a stage when suggestions are utterly meaningless. If, however, no such insult is meant, the whole procedure is a glaring and practical illustration of the policy of 'putting the cart before the horse.'

My Lord, one necessary result of this policy of 'putting the cart before the horse' has been the utter futility of the efforts of non-official members in putting a brake on an item of expenditure which is condemned by all shades of public opinion in this country. I mean the allotments under the head of the Police Department. Let us consider for a moment the following figures :—

Year.			Total Provincial expenditure.	Police expenditure.
			Rs.	Rs.
1912-13	...	...	5,69,48,131	83,99,859
1913-14	...	...	6,16,60,630	94,71,081
1914-15	...	...	6,67,60,684	1,03,72,545
1915-16	...	...	6,28,01,186	1,09,03,783
1916-17	...	...	6,01,87,132	1,16,57,283
1917-18	...	...	6,49,64,000	1,22,84,000
1918-19	...	...	7,36,54,000	1,37,85,000

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Making every allowance for the importance of the department, it can hardly be regarded as a matter of surprise that the public at large look upon this expenditure as extravagant. We all agree that a large expenditure is necessary to raise the pay of the rank and file in the department in order to open up a career which would attract a much better class of men than are now disposed to join the force. But we do not admit that the abuses prevalent in the department would be removed by spending lakhs of rupees in providing costly buildings for the men and officers of the department. Crores have been spent since the Indian Police Commission submitted its proposals for police reform, but the major portion of this money has been taken up in building costly houses for the residence of constables and head-constables, or erecting police-station buildings at enormous costs, creating highly paid posts for European officers in the higher ranks of the police, purchasing steam-launches and other miscellaneous items, which have no more to do with the reform of abuses than the Howrah Bridge has with the sale of opium or ganja in the country. The Indian Police Commission summed up the situation in the following weighty words :—

'Everywhere the demand of enlightened opinion is for the reform of the station house officer. He must be more intelligent, more respectable, better trained and better supervised. This is the most urgent need of the police . . . . One cause of the unsatisfactory work of the police is the inadequate supervision exercised over them.'

With these observations every sensible man must be in perfect agreement, and if the huge expenditure on the department had been meant to carry out those objects, mainly if not solely, there could have been no reasonable cause for any comment or complaint. An efficient and well-organised police is as much a blessing as a corrupt and inefficient police is a curse. But one looks in vain through the Budget allotments, bristling with profuse expenditure on almost every conceivable item of comfort and luxury, for adequate provision for a scheme of well-ordered supervision of the work of investigating officers. It is well known that the Commission recommended the creation of the class of officers known as Deputy Superintendents, as well to impart a healthier tone to the Indian element in the service as to secure a close supervision of the work of investigating officers, by the members of a provincial service, whose superior status would be a sufficient guarantee of their honesty, probity and freedom from corruption. There can be no doubt that if these Deputy Superintendents had been utilized for the purpose of the supervision of the work of their subordinates, corrupt practices amongst investigating officers would have gradually diminished, even if they did not actually disappear. But it is well known that the number of Deputy Superintendents is not large enough to supply the requisite proportion of officers for carrying on the work of supervision, and even amongst those that exist, very few are employed on work which ought to have been made the principal part of their duty. It is notorious that Deputy Superintendents at the head-quarters of districts are generally employed on office work, and are no better than glorified clerks or office superintendents. The supervision of the work of investigating officers is, therefore, as unsatisfactory as ever. The European Assistant Superintendents are practically useless for purposes of supervision, in consequence of their ignorance of the vernacular of the country, and the absence of a free and unrestricted social intercourse between them and the general public. The Superintendents and Additional Superintendents have their steam-launches and motor cars at the expense of the public money, but their supervision is also no better than those of other European officers. While these conditions exist, Government seek to reform the police and remove abuses by building palaces to be used as station-houses, and gorgeous residential quarters for the rank and file of the police force. Public money could hardly have been more wasted and more ill-spent, and it is against this

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policy of pampering the members of a force, already spoilt by undue indulgence, that the public have hitherto been raising a persistent though ineffectual protest.

My Lord, the friends of the Police are apt to maintain that the moral tone of the service has now been considerably raised and matters are gradually improving so as to render abuses less frequent than before. It is true that there has been a slight improvement as compared with the state of things before the Commission, but the improvement is mainly due to the spread of education amongst the masses, which has taught people the inesteemable lessons of manliness and self-reliance, and rendering them better able to resist oppressions than before. The abuses that still exist are appalling enough, and are still a discredit to the Government, and involve great injury to the people of the country. If these abuses are to be removed, the root causes for such abuses must not be allowed to exist, and remedies are to be applied which are appropriate to the disease. It is no use building houses, or providing policemen with a splendid uniform, while the investigating officers continue to be recruited from a class who do not hesitate to enter service in the expectation of making substantial additions to their salary by preying upon the general public. It is no use dividing the province into police ranges and creating numerous Deputy Inspectors-General, while the work of supervision of investigating officers remains as unsatisfactory as ever. The Superintendents of Police must learn the language of the country and try to exercise a closer control over the work of actual investigations than they do at present. 'The ignorance of the vernacular,' said the Commission, 'and want of touch with the people generally are the most serious defect amongst Superintendents. These officers are also too often inclined to support their subordinates in an unreasonable manner and to receive complaints or strictures on police work in a hostile spirit.' This criticism holds good to-day as it did in the days of the Commission. The same remarks apply in a greater degree to the Assistant Superintendents and the European Additional Superintendents of Police. Steps should be taken to remedy these defects, not by building palatial houses or purchasing steam-launches, but by insisting on Police Superintendents taking a livelier interest in their work than they do at the present day. The Deputy Superintendents of Police should be utilised in closely supervising the work of their subordinates on the spot, and not by being made to lighten the routine work of the Superintendents of Police by signing papers of the Police office. Above all, suggestions and criticisms should be welcomed and duly considered, instead of being resented at or received in a hostile spirit. The oppressions committed by the Police during the investigations of what are known as the *hat*-looting cases are perhaps unparalleled in the history of abuses in any civilized country. The matter turned to be a public scandal, and it was the duty of Government to have at once started thorough and searching enquiries into the allegations, and taken such steps as would have been justified by the results of inquiries. This was not done, and when I moved a resolution in Council praying for such enquiries, the suggestion was not accepted by Government. And when, later on, I complained that my resolution had been unjustly negatived, Sir Henry Wheeler rose to say that Government had made enquiries through District Magistrates. The attitude of Government towards my resolution and the remark of Sir Henry Wheeler gave the public an incorrect idea as to facts. It is not true that Government even moved their little finger to save people from oppressions or bring their oppressors to justice. The only place where the District Magistrate made any enquiries was at Noakhali, and this was done, not under orders of Government, but because my friend the Hon'ble Maulvi Abul Kasem and myself went over to Noakhali and insisted on these enquiries being made. It is noteworthy that even at Noakhali the Magistrate

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at first refused to believe in the complaints made against the Police, and only yielded because we would take no denial.

The result of the Noakhali enquiries has shewn that the complaints were well-founded. If proper enquiries had been made elsewhere, these pets of Government (who are no better pests to the public) would have been shewn in their true colours elsewhere also. Government should have been ashamed of having backed up the disreputable members of a force already proved to be dishonest and corrupt. Instead of that, they try to vindicate their position by taking credit for a course of conduct which at first they refused to adopt and which was practically thrust upon them by my friend Mr. Abul Kasem and myself. This is hardly the way to reform the Police, and hardly the way to win popular sympathy.

My Lord, I am sorry that the time at my disposal has almost come to an end, but I cannot resume my seat without referring to the reprehensible neglect with which the claims of Muhammadan education have been treated in the framing of the Budget. The proposal for the establishment of a Muhammadan Arts College appears to be practically shelved, and there is hardly any provision for building hostels for Muhammadan students either in Calcutta or in the mufassal. Only the other day the Director of Public Instruction remarked that the needs of the community in the matter of hostels for Muhammadan students in Calcutta do not exist, and he ventured to state in a spirit of pride and self-satisfaction that the Government can claim to have done their duties towards Muhammadan students in this matter. I reserve for a future occasion what I have got to say in reply to the claim thus put forward on behalf of Government, and I content myself at the present moment by saying that I challenge the accuracy of the statement of my friend the Director of Public Instruction, when he says that the Muhammadan students in Calcutta have been duly provided with accommodations in recognised messes and hostels. I would only point out to him the accommodation which exist for Muhammadan law students in Calcutta. Most of them at present live at No. 2, Mirzapur Street, and I wonder if the Director of Public Instruction has ever visited this building and seen for himself how the law students pass their days there. He could not then have failed to notice, casting his eyes on the other side of the tank at the Hardinge Hostel, how the munificence of a Hindu nobleman has been liberally supplemented by generous contributions from University Funds and Provincial Revenues for the benefit of Hindu students; while, right on the other side of the tank, the disgraceful pigeon-holes of No. 2, Mirzapur Street (where Mussulman graduates congregate for shelter during their law studies in this city) bear eloquent testimony to the poverty of the community and the neglect with which the authorities treat the interests of Muhammadan students in Calcutta."

The Hon'ble DR. NILRATAN SARKAR said:—

"My Lord, the total sum provided for the engineering education of all grades is Rs. 3,24,000, and the total amount provided for vocational education of different sorts, such as agriculture, commerce, technology, etc., is Rs. 1,04,500. So, altogether, there is a total of Rs. 4,28,500 provided for engineering and industrial education—a sum about 4 per cent. of the total expenditure on education. We are passing through critical times in regard to industry. We cannot afford to wait in a state of unpreparedness at the present moment when great changes are taking place in the world, not only in the political sphere but also in the sphere of industries. It is time that we should mend matters. We are in a helpless state of unpreparedness, and our helplessness merges into a state of utter despair when we find that Government offers us help only to this extent; that is, by spending a sum of Rs. 4,28,500 on engineering and industrial educational development in

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Bengal. I know an additional sum of Rs. 1,50,000 has been provided for some item in this Budget; but a much larger sum is needed for industrial education. In the near future we must try to divert the channel of education from the ordinary routes of law and literature to the channels of technical and industrial education like agriculture, technology and commerce, so that our young men may assert themselves in life as the competition of other people in the world. One by one all our markets are being occupied by foreigners. It is time that we should try to develop our own resources. Bengal has got an unlimited supply of raw materials. There is also capital in the land and intellect too. I believe, under proper guidance and proper instruction, Bengalis will be able to hold their own against any other people in the field of industries. The first steps towards such an end would be to organise engineering education and the vocational education in different branches in all standards.

My Lord, I deeply appreciate the increase of grant to medical schools on account of the increase of students from Rs. 1,30,000 to Rs. 1,48,000. Having regard to the condition of Bengal this extension of medical education is one of the most important questions. The urgency of this question increases every day. I hope Government will try to solve this difficult question either by starting additional medical schools or by subsidising privately-started medical schools. But whatever may be the method, the question cannot be put off for a much longer time.

In this connection, I may draw the attention of the Government to the question of medical education of female students. The class for female students was started in 1884, but recently, after 30 years of its existence, it has been practically closed. New admissions have been refused on one ground or another. Whatever may be the reason of closing the class, adequate provision should be made for medical education of women in Bengal. The question has been raised that the students who applied for admission did not possess the requisite qualifications. No wonder, when Government spends only Rs. 51,000 on collegiate education of women and when only Rs. 3,30,000 or about one-thirtieth of the sum spent on education is budgetted for female education. What is wanted is more money, more attention, and, if I may be permitted to observe, more sympathy. There is no reason why female candidates in Calcutta should be refused admission into the Calcutta Medical College and advised to go to Delhi. Delhi may have one or more medical colleges for women but the needs of Calcutta are quite different. There is no reason why our daughters and sisters should be compelled to reside in Delhi for five years in order to have a medical education when there are at least two Government medical Institutions in Calcutta. What I would urge is this: that provision should be made for the education of female medical students in Calcutta either in the Medical College or in any other institution. As regards Delhi the matter should be left to their choice.

I am deeply grateful for the increased sanitary grant from about four lakhs of rupees to eleven and-a-half lakhs of rupees. I am also grateful for the recent measures that have been adopted in connection with the sanitary improvement of certain parts of Bengal. We hope that, with the help of our energetic Sanitary Commissioner, we shall be able to make steady improvement in sanitation."

The Hon'ble MR. CUMMING said:—

"My Lord, it now devolves upon me to offer to the Council some remarks on the subjects which, for administrative purposes, are placed under the Departments of Revenue and Public Works; and in doing so, I shall endeavour to make such remarks as short as possible, notwithstanding the temptation to follow some members who strayed beyond the limits of the present Budget.

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Under the head of Revenue, I propose to deal with the subjects of Settlement Operations, Agriculture and Forests. The Hon'ble Kumar Shib Shekhareswar Roy has repeated the arguments which he previously made against the continuance during war time of settlement operations. As the expenditure is wholly Imperial, it is doubtful whether the Hon'ble Member is strictly in order in discussing the subject in a debate on provincial expenditure. However, the matter has been discussed before; in 1915 the Hon'ble Mr. Beatson Bell gave a convincing reply to similar arguments; and on the present occasion I have really nothing more to add beyond saying that it is hardly correct to argue that no modifications have been made during war time. On the contrary, the normal programme for four survey and four settlement parties has been reduced to a programme sufficient for three survey and three settlement parties. Then, again, the estimate of Rs. 22 lakhs, to which the Hon'ble Member takes exception, has been cut down from the original estimate of Rs. 29 lakhs; and the proposed recoveries of Rs. 18 lakhs have been cut down from an earlier estimate of no less than 26 lakhs. It is rather late in the day to discuss whether district settlement operations are useless or unnecessary, as he urges. The battle on this question was fought out no less than a quarter of a century ago. Moreover, the payments made towards settlement costs are for value received in the shape of the copies of the records and of the maps which are furnished to the parties concerned.

Under the head of Agriculture, I have pleasure in thanking the Hon'ble Raja Hrishi Kesh Laha and the Hon'ble Mr. Provash Chunder Mitter for their appreciation of the progress made in the distribution of paddy seed and jute seed, and also in connection with the extension of cinchona cultivation. The Hon'ble Mr. Mitter made a request that a further enquiry in connection with such extension should be made. I am happy to inform him that at the present moment there is a very competent officer on special duty for this very object.

Then, under the head of Forests, the Hon'ble Mr. Mitter made another suggestion that with proper organisation the forest revenues ought to be considerably increased. This opens up a very wide subject of discussion as to the development of our commercial properties, with which it is not possible to deal adequately on the present occasion. It is true, however, that Forests form one of the few really satisfactory among the naturally expanding sources of revenue in this province. In this connection I should like to mention that the late Revenue Member of the Government of India, Sir Robert Carlyle, publicly stated in London about a year ago that there was practically no limit to the development of this source of revenue, namely, Forests; but, he said, forests required a bold outlay of expenditure, not only expenditure on *personnel*, but also capital expenditure on mechanical agencies, on communications in the opening out of roads, and in the distribution of the produce.

I now turn to the other main head of Public Works, under which I propose to deal with the subject of Irrigation. In connection with this subject, I desire to thank the Hon'ble Mr. Mackenzie and the Hon'ble Maulvi Abul Kasem for their appreciation of the work of certain officers of the Public Works Department. The Hon'ble Khan Sahib Aman Ali and the Hon'ble Mr. Mackenzie allude, in particular, to the Chaktai khal in Chittagong. With Mr. Mackenzie's views, if they refer to the main arteries of communication, Government are, of course, in full accord; but I do not think that this particular *khal*, for the improvement of which a request has been made, is one which can strictly be called a navigable channel in the ordinary sense.

The Hon'ble Mr. Mackenzie has suggested the formation of a Waterways Trust somewhat on the lines of the Calcutta Port Trust: the formation

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of such a special Waterways Department or Trust to deal with waterways has not been overlooked by Government, but in the opinion of many qualified to judge, its materialisation is associated with the completion of the Grand Trunk Canal project. I find, moreover, in the literature on the subject a considerable amount of vagueness as to the precise lines on which such a Trust is to be formed in Bengal; as to how it is to be financed; and as to how it is to be administered. I would welcome any definite constructive suggestions on these points.

As regards the Grand Trunk Canal project, I can say, on behalf of Government, that it is not the intention of Government to pigeonhole it. The consideration of its numerous problems has continued to occupy the attention of responsible officers during the past year. The opinions of public bodies concerned have been obtained and are being considered in detail.

The Hon'ble Mr. Mackenzie has also drawn attention to a certain channel on the outer boat route through the Sunderbans, namely, the Doagra channel, regarding which it is urged that its deterioration is probable, if not certain. I am able to inform the Council that in the present year a sum of half a lakh of rupees has been set aside to make a new cut in that vicinity, by which it may not be necessary for steamers to use this channel at all in the near future.

Under the head of Irrigation the Hon'ble Nawab Bahadur of Murshidabad has stated that the improvement of the Bhagirathi finds no place in the estimates. I am sure the Council realise that the flow of the Bhagirathi through the Murshidabad district must depend entirely on the position of the main stream of the Ganges; and if the Ganges refuses to come down the Bhagirathi, it is humanly impossible to force it to do so. All that human agency can effect in this matter is to render conditions in the Bhagirathi suitable for inducing a flow from the Ganges down its bed, when the main channel of the big river has reverted to its most southernly position. At the present moment, I am sorry to say, the Ganges main stream has cut off the head of the Nadia rivers.

These, Sir, are all the remarks I desire to make on the several points that have been raised in the course of the debate to-day; but there are some other points to which the attention of Government has been drawn by Hon'ble Members. These have been noted, and Hon'ble Members may rest assured that their consideration will not be overlooked."

The Hon'ble SIR S. P. SINHA said:—

"My Lord, it devolves upon me to deal to with such criticisms as have fallen from Hon'ble Members with regard to the Departments of Education and Sanitation which are in my charge and I think the surest way in which I can deal with them is to take first the general criticism with regard to education and sanitation; then deal with such specific matters to which attention has been drawn by individual Members, and, thirdly, to deal with some matters which, though not referred to specifically, are referred to more or less in general terms, and I am classifying the subjects under those three heads.

My Lord, two charges that have been repeated by several Members with regard to education and sanitation are that in the Revised Estimates we have shown savings which actually mean loss; that is to say, the monies allotted, which ought to have been spent, have not been spent with regard to such important matters as education and sanitation. But I think I shall be able to satisfy the Council without much trouble that it proceeds from a misconception. If Hon'ble Members will turn to page 21, dealing with the charges under the head of Education, there are two matters which I think will be clear to them: *firstly*, that education, so far from being neglected, has been receiving increasing attention of Government. We have there the actuals of 5 years, 1912-13 to 1916-17, and then we have

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the Budgets for 1917-18 and 1918-19. The expenditure in 1912-13 was 73 lakhs and odd; next year it was 81 lakhs that is nearly 8 lakhs increase. Next year, that is the year before the war, it was 92 lakhs or an increase of 11 lakhs; then by reason of the war there was a drop in 1915-16, and we came down to 84 lakhs or very nearly 85 lakhs, that is, 7 lakhs less than the previous year; then there was a further drop in 1916-17 to 76 lakhs for the same reason, namely, that we are not allowed to spend except for urgent and productive purposes; but it will be noticed that in 1917-18, it went up to 98 lakhs, exceeding the educational grant for any previous year. The Budget for 1918-19 is 103 lakhs. Therefore, it will be seen that, so far from education not being given its proper share of the public revenues, the money allotted to education has been increased by—I won't say leaps and bounds, but very substantial amounts during all this time and notwithstanding the war; I think that is a point which is clear from this statement.

There is another general complaint about the allotments not having been spent, and that arises with regard to the year 1917-18. Although for that year, the original figures were 98,13,000, in the Revised Budget estimates they were reduced to 81,14,000 from which Members conclude that 17 lakhs, which were at our disposal and which ought to have been spent, had not been spent. I say that is due to a misconception; first of all, it is not correct to say that the 17 lakhs have not been spent. The figures represent the actuals for the first 9 or 10 months of the year and the estimates for the remaining two or three months. These estimates are based on the expenditure of the previous 9 or 10 months and do not take into account the fact that the expenditure during the last two or three months, so far as the average is concerned, is very much larger than during the previous 8 or 9 months. Therefore, it is not correct to assume that 17 lakhs remain unspent; actually, a great deal of that has been spent. But it is correct that some portion has not been spent and for the following reasons. This sum of 98 lakhs includes the 9 lakhs grant from the Imperial Government. We sent up a scheme to the Government of India for the expenditure of this 9 lakhs and the items are as follows. (Council will pardon my going into these details at a little length because a greater part of the charges is levelled against us with regard to this unspent balance or savings therefrom). Now those 9 lakhs consisted of 11 items :—

	Rs.
(1) Cost of improving Government high schools	3,00,000
(2) Cost af improving Government middle English schools ...	6,120
(3) Aid for Municipal high schools	12,072
(4) Grants for aided and unaided high and middle English schools.	1,19,382
(5) Grant of local allowance to Assistant Headmaster of 5 vernacular training schools.	1,200
(6) Honoraria of the teaching staff of three high schools for work in connection with the Dacca Training College.	1,350
(7) Enhancement of pay of teachers of primary schools ...	1,94,000
(8) Enhancement of the pay of teachers in girls' primary schools.	35,560
(9) Grant to the Midnapur District Board for an increase of the allowance of teachers of primary schools.	15,000
(10) Inauguration of the scheme for the training of teachers in boys' primary schools.	1,55,440
(11) Construction of buildings for training schools for primary teachers.	50,000

All these items make up 9 lakhs of rupees. It was not until October 1917 that the Government of India sanctioned our spending about 2½ lakhs only out of these 9 lakhs, and with regard to the rest they told us that those items formed part of larger schemes which required the sanction of the Secretary of State and we were not, therefore, allowed to spend them. So, it is not correct to say that having the money at our disposal we have kept it in



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our cash box and not spent it for the purpose of education. We have got a promise of 9 lakhs, and we are allowed to spend 2½ lakhs; with regard to the remainder, we are told that we must wait for the sanction of the Secretary of State for larger schemes. That disposes of the 6½ lakhs, out of the 17 lakhs which was supposed not to have been spent.

Then there is another sum of Rs. 3,35,000, which also appears, as the Hon'ble Dr. Sarbadhikari has pointed out, as unspent out of the balance for hostels, etc. A good deal of it has been spent and all the bills have not come in yet, and until they come in we cannot say how much has been spent out of it; probably, 2 lakhs will go from that. There will remain 2½ lakhs and that is due to the fact that the scheme which was expected to cost 13½ lakhs will cost about 12 or 12½ lakhs. Similarly, there are monies which appear in our Budget as savings not because we have not spent them but because they have been spent through the Public Works Department, so that the whole of this 17 lakhs which we are charged with not spending though at our disposal are not spent either because we are not allowed to spend them or because they were spent through the Public Works Department, or because the bills for the actual expenditure have not yet come in, though they will come in later. Therefore, the Council should be disabused, of any impression they might be under that the money at the disposal of or in the coffers of Government and available for the purpose of education were not spent for that purpose.

I think the same can be said with regard to the supposed saving of 1½ lakhs in the matter of sanitation; that is not a saving at all, because although it does not appear in our account, it appears in the account of the Public Works Department, as having been made over to the Public Works Department for the construction of sanitary works. Therefore, both with regard to education and sanitation, the Government have been spending more and more; and some Hon'ble Members have, I am glad to say, congratulated the Government on the increased expenditure on sanitation which has risen from less than 4 lakhs to 11½ lakhs in the present Budget.

These, I think, are the general complaints which were made with regard to matters of education and sanitation, and I now propose to deal with the specific complaints or recommendations which have been made by individual members in the matter of education.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur charges us with not having come to the rescue or succour of the Mahakali Pathsala in Calcutta, which he says, is likely to be financially ruined for want of such help. I think the charge is unfounded. Mr. Hornell, on the last occasion, promised that, if the Mahakali Pathsala authorities would apply to the Government for such help as they wanted in the matter of their building fund or anything else, that would receive the consideration of Government; and Council knows that that meant that the Mahakali Pathsala would have to satisfy the Education Department that they had complied with the rules which were made by that Department for the purpose of making grants-in-aid to schools. They would have to show certain amount of efficiency; and they would have to satisfy the Education Department in every way as to the necessity for the money. They never applied, presumably, because they did not expect to be able to satisfy the authorities as regards either the efficiency or the necessity. I venture to think that on these facts the Council will see that the Government have not unduly withheld help from a deserving institution for female education.

The Hon'ble Raja Hrishikesh Laha has recommended for assistance the Polytechnic Institution, over which Captain Petavel presides and which is assisted by the Hon'ble Maharaja of Cossimbazar. With regard to that also, I may say that the matter is under consideration of the Director of Public Instruction; and provided he is satisfied as to the necessity and the efficiency of the school, I have no doubt that the aid will be forthcoming.

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The Chittagong College and Hostel have been mentioned by the Hon'ble Khan Sahib Aman Ali. As regards that, I may state that, so far as the college authorities are concerned, there has not been, to my knowledge any application for any increased grants ; but the Director of Public Instruction hopes personally to visit the Chittagong College and to find out what is necessary. And the Hon'ble Member may be sure that if it is found necessary to increase the college or hostel accommodation, steps will be taken to supply the want.

The Hon'ble Babu Surendra Nath Ray has mentioned that with regard to the Sibpur College there is a want of accommodation which prevents students applying for admission from getting admittance. Well as regards that, I have made enquiries, since : by his courtesy, I got a copy of his speech, from the Principal ; and I find that though there have been more applicants than admissions, there has been no rejection so far on the ground of want of accommodation, and it is only on the ground of fitness that students have been rejected. I can assure the Hon'ble Member, however, that if, in fact, there is such a demand for engineering education and the accommodation in the Sibpur College is not sufficient to take in all these students, steps will be taken as early as possible to remedy such defect.

With regard to the Hon'ble Maulvi Abul Kasem's request for the proposed Burdwan School, I am sorry he did not send in any information to me with regard to this matter, or I should have made enquiries. Neither Mr. Wordsworth, the Director of Public Instruction, nor I have been able to find out anything about the proposed school, but I shall certainly look into this and see if anything can be done in the matter.

Now I come to the Hon'ble Rai Radha Charan Pal's criticisms with regard to various matters. Taking the Hastings House School, I may tell the Hon'ble Member that the whole question of the organisation of the Hastings House School is under consideration. The object never was, so far as that school was concerned, that it should be merely a school for the sons of wealthy citizens. No doubt, the fees are high, but if you want a particular kind of education and a particular kind of accommodation, you have got to pay for them. That, again, is a matter which has to be considered with reference to the necessity of the people and how far they are able to pay for it. I personally think that the fee has been fixed probably a little too high and that if the school is to be made much more available for the general community, the fee will have to be reduced. But, as I have said, the whole matter is under consideration, and I trust that a scheme will be evolved which will make the school very much more useful. I may tell the Hon'ble Member that, so far from its being the intention that the poor should pay for the rich, the promoters of that school proposed that they should guarantee the expenses of the school—the whole of it if necessary—provided the control of the school was made over to them, but the Government did not agree to such a proposal. There is not likely to be any such loss, as my friend probably apprehends, because the number of students at Hastings House School now is certainly not much less than the school can accommodate; there is only accommodation for 40 boys and there is about that number in the school.

There are two other matters which the Hon'ble Rai Radha Charan Pal Bahadur mentions : *firstly*, the question of primary schools in Calcutta ; and *secondly*, perhaps it is not germane to this particular point,—the question of the inclusion of Howrah in the operations of the Improvement Trust.

As regards the question of primary education in Calcutta, I think the Hon'ble Member probably forgot for the moment as to how the matter stands. The Calcutta Corporation, when asked as to what they were prepared to do to promote the educational organisation of Calcutta, said that they could

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not take the responsibility for the provision and maintenance of schools; but they would consider the possibility of undertaking a larger expenditure than they now incurred if there was a proper scheme made out for Calcutta schools. For that purpose, Mr. De first, afterwards Mr. Roy and lastly Mr. Dunn were put on deputation and it is only two days ago that Mr. Dunn's final report reached the hands of the Director of Public Instruction suggesting what the educational needs of the different parts of Calcutta are and how they can be met. Now, it is from the nature of things impossible that Government can deal with that report or have any communication with the Corporation of Calcutta within the short time that has elapsed since the report has been in our hands—it was not possible to do anything within these two days. But, as soon as possible, that report will be dealt with and the matter will be discussed with the Corporation of Calcutta; and I trust that before long we shall be able to give effect, at any rate, to some portions of this report which certainly discloses a very undesirable state of things in Calcutta.

Taking the other criticism about the Calcutta Improvement Trust taking up Howrah, here again probably the Hon'ble Member is not aware of all that has passed between the Government on the one hand and the Municipality of Howrah and the Improvement Trust on the other. The Hon'ble Member suggests that the Improvement Trust should not take in hand the improvement of Howrah. The Howrah Municipality, on the other hand suggests that the Calcutta Improvement Trust should do so. In considering this matter the Government was advised that as the law stood the Calcutta Improvement Trust could not take up the matter in hand without an amendment of the law; and before undertaking any legislation for that purpose the Government asked not very long ago the Improvement Trust to inform them as to whether they would be prepared to take up the work of improvement in Howrah if the law was amended and as to what provision, financial or otherwise, should be made for that purpose. All these are matters which have been actively engaging the attention of Government and are at the present moment the subject matter of correspondence between them and the Improvement Trust. Therefore, there is no reason to think that we have not been vigilant in this matter. The Hon'ble Member asked for some other information and he seems to be under the impression that though we have promised to take action in this matter nothing has been done, namely, with regard to the appointment of health officers and sanitary officers in municipalities in and around Calcutta and elsewhere. I think if the Hon'ble Member will look at the notification of the 14th February 1916, he will find that in exercise of the powers conferred under section 349(*d*) of the Bengal Municipal Act the Governor in Council has fixed the class and number of the sanitary officers to be appointed for each of the principal municipalities mentioned in the notification which includes Maniktala, Bhatpara, Cossipore-Chitpur, South Suburban, Baranagore and so on, in and around Calcutta. So action has been taken and health officers have been appointed by these municipalities in these places. If they have not appointed them, the fault certainly does not lie with Government. I would like to draw the attention of the Council to the report of the Municipal Department for 1915-16, paragraph 28, where it is pointed out:—

There are signs of a tendency to avoid appointing the staff pending the receipt of grants-in-aid from Government. Municipalities must recognise that they are now under a legal obligation to appoint these officers irrespective of the receipt of assistance from Government and that this constitutes a necessary charge on municipal finances. Assistance from Government towards the pay of sanitary inspectors can only be expected when a municipality has shown both its readiness to make the appointment and its inability to meet the charge notwithstanding a reasonable incidence of taxation without prejudice to the efficiency of other departments of the municipal administration.

The question of technical education is also raised by the Hon'ble Member. I would remind him of the debate in Council the other day on a

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resolution that was moved by the Hon'ble Sir Rajendra Mukerji where a scheme for the education of mechanical engineers was dealt with. There is only a portion of a very much larger scheme, and that as well as other schemes for the purpose of advancing technical education in Bengal, are now under consideration. Naturally we have got to wait for any new schemes for the reports both of the University Commission and the Industrial Commission that are now in progress. Hon'ble Members will also remember with reference to the remark of the Hon'ble Dr. Nilratan Sircar that though the allotment for vocational education is comparatively small—a little over 4 lakhs, having regard to the fact that before we can have vocational education, we must have either primary or secondary education, or probably both, and it is only a limited sum that we have at our disposal we are unable to spend more than we do, but the amount is increasing, and I hope that when we have got proper schemes, money will be found for advancing such schemes as will be feasible.

There is one other matter that I may refer to in this connection, and that is Dr. Suhrawardy's complaint that there is no provision for teaching Arabic and Persian for the Intermediate and Bachelor of Arts Examinations in Government colleges. No doubt, that is correct to a certain extent, but our experience with regard to that is somewhat unhappy. Under pressure from the Muhammadan community, classes for teaching those languages were opened at the Krishnagar College and affiliation was obtained from the University for that college. The result has been somewhat disappointing, because there has been one student so far and the cost per month for that one student is Rs. 125 a month; so that it does not appear that there is any very great demand that has got to be met, and my friend's apprehension that students have to take up Pali and Sanskrit because of the want of provision for Arabic and Persian teaching seems somewhat contrary to facts. The Hon'ble Dr. Sarbadhikari reminds me that the University has classes for Intermediate and Bachelor of Arts Persian but I think the Hon'ble Dr. Suhrawardy mentioned that point and what he said was that the students could not afford to meet the additional fees. Anyhow, I hope and trust that so long as provision cannot be made in Government colleges, provision at any rate might be made for giving facilities to Muhammadan students in joining these classes at the University and I have no doubt that if representations are made to my friend the Director of Public Instruction for that purpose and if on enquiry he is satisfied that there is a genuine need, he will do all he can towards satisfying the community in that matter.

My Lord, I think I have met the specific requests or recommendations, as best as I could. If I have omitted any points I can assure Hon'ble Members that they shall be noted and kept in view and that when the occasion arises during the next year we shall endeavour to give effect to such of them as can possibly be given effect to.

There is one other remark which I should like to make though it really comes under Sir Henry Wheeler's portfolio, and that is that several members have said that the debate to-day is more or less a farce. But if that is so, and I dare say it may be and I won't contradict them, then is it not the best way for the Hon'ble Members in order to get rid of any such comicality to abstain from taking part in this debate. Surely it is in the hands of Hon'ble Members themselves to prevent this absurdity."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, as the Department, of which I have the honour to be in charge, is more especially concerned with the general financial interests of the province, I may be permitted to preface my remarks with some comments on a few of the [illegible] aspects of the Budget, as distinct from [illegible] points of [illegible] which I will deal later. [illegible] I do not

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propose to include an answer to the mournful diatribes of some of the later speakers among the non-official Members, who, regardless of the changes that have been made in recent years, regardless of the opportunities which have been thereby given to them to influence the policy of Government, and regardless of the fact, which can be demonstrated, that these debates and the speeches of non-official Members of this Council do influence the policy of Government, persist in regarding all those opportunities of co-operating in this Council with the Bengal Government as a meaningless delusion and a sham. I do not admit the accuracy of the picture that on the one side we have the non-official Members laboriously toiling and trying to bring forward proposals all calculated to accelerate the advent of the millennium, only on the other, to see them turned down without rhyme or reason by a callous and contemptuous Government. But, apart from the correctness or otherwise of that picture, the essence of these comments is really to be found in the desire that the position of this Council *vis-a-vis* the administration should be different from that which it is, particularly in financial matters, under the existing Parliamentary statutes and the rules and regulations made thereunder. Such arguments fall within the field of discussion of larger constitutional issues which are occupying attention elsewhere, and which are more properly discussed on other occasions than in connection with the provincial Budget, and I therefore propose to confine myself to our budget as it is and its consideration under our procedure as it is.

The first point to which I would draw attention, is the practical use of the present debate. That is a matter about which there are two permissible points of view. On the one hand, that it is a useful continuance of an old tradition, and on the other, that, under the modern conditions of resolutions, questions and the like, subjects which have been debated to-day could all have been brought forward, and have in many cases been brought forward, previously with the result that this debate is largely an echo of old discussions, while bringing up again a multitude of subjects which can only now be dealt with cursorily and in the briefest outline. These two views are quite arguable though personally I am inclined to the one which would see the debate done away with, but that is merely my personal view. The Council may have observed that the Government of India have recently made a difference in their procedure in this respect, altering the date of the general discussion so that it should precede, and not come after, the detailed resolutions on the Revised Financial Statement. I propose to ascertain what precise changes have been made in the rules of the Imperial Council, and I think it may possibly be of interest, in the light of these changes, to ascertain the views of Hon'ble Members as to whether we too might not advantageously modify our procedure, although there is no desire to make any alterations which may not commend themselves to the majority.

But as a substitute for the debate we have, it is true, the solution put forward by the Hon'ble Rai Radha Charan Pal Bahadur, that we should appoint a Standing Finance Committee, which will peacefully and amicably discuss the allocation of funds throughout the year, thus rendering all subsequent discussions in this Council unnecessary. I fear his ideal is utopian, and I cannot conceive of any committee which is likely to be able to distribute our resources in a way that will commend itself to all Hon'ble Members. But, apart from that, the suggestion, which is advanced in the guise of a minor modification in existing procedure, is really a proposal for a large constitutional change in the position of the Council towards the financial expenditure of Government. That being so, it falls rather within the larger field of discussion to which I have already alluded.

As another general point, we have the criticism of the Hon'ble Babu Kishori Mohan Chaudhuri that the Budget notes are not so clear as might be desired. That is an old complaint, and it has been the constant

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policy of the Finance Department to give more and more information in connection with the Budget. I think Hon'ble Members who have had long experience of this Council will recognize that the information now given is much fuller than what it was in earlier years. If I remember rightly, we now give references to statistics of more former years, while we give detailed schedules of new schemes, and this year have also placed in the hands of Members the Civil Budget Estimates. The memorandum which accompanies the Budget is nothing but a brief note, and it does not purport to be anything else, while it is supplemented by the speeches which are made by different official Members. But I am quite willing to agree that the form of the memorandum might be improved. The point attracted my attention during the course of the preparation of the present Budget. The notes have become somewhat stereotyped, and can possibly be improved upon, and I hope to take the matter up during the current year.

Lastly, as a general question, I would refer briefly to a very interesting point which has been raised by the Hon'ble Mr. P. C. Mitter, namely, the distribution of the provincial revenue as between the Imperial Government and the province itself. That is a point of great theoretical and practical importance, and in the light of the remarks of the Hon'ble Sir William Meyer which have been quoted by an Hon'ble Member to-day, it will obviously very shortly come into considerable prominence. I cannot enter into it at length now, but I must point out that the figures given by the Hon'ble Member are calculated to convey a somewhat false impression. I gather from the general outlines of his argument, which he has evidently taken from the third page of the Civil Estimates, that whereas the Imperial Government takes something like Rs. 16 crores out of a total revenue of Rs. 23 crores, the provincial Government gets only Rs. 6¾ crores approximately. That is not, I think, quite accurate. If the Hon'ble Member will look at the figures again he will see that under Imperial we find such large heads as Opium, 4½ crores, Salt, 1 crore 31 lakhs, Customs, nearly 6 crores, Interest, 11¼ lakhs, and Receipts in aid of Superannuation, approximately 1¾ lakhs; these items cannot fairly be classed as solely provincial revenue. Opium is obviously not so; much of the salt that comes through the port of Calcutta goes to Bihar and Orissa and Assam, and obviously many articles on which customs duties are paid are intended for places throughout Northern India. I would like to feel that the contention was correct, as it would give us a chance of asking for more in any fresh financial settlement, but I am afraid it is not so. I feel bound to warn the Council that it is not probable that in any differentiation between Imperial and Provincial finance we shall be able to lay hands upon some *cache* of revenue which so far the Government of India have been improperly enjoying, whereas it should have been retained by the province. Neither is it likely to be the case that we shall find that, in comparison with other provinces in the matter of contributions to the Government of India, Bengal has been unfairly treated. I think it is more likely to be found that other provinces attack us as coming under the most favoured provincial clause.

So much for general points, and coming to departmental details I would touch first on that department which among my own particular "white man's burden," is most exposed to attack, I refer to the police. We have heard again to-day in familiar accents of the colossal and extravagant heights to which expenditure on the police is mounting with leaps and bounds, and the inference is left to be drawn that we are wantonly squandering upon an effete department vast sums of money apparently with no better object than the troubling of the people. Some Hon'ble Members have grown almost lyrical about the magnificent treatment which is accorded to the police in the matter of motor launches, motor cars, palatial buildings and what not; but I would point out that motor launches are merely a reasonable incident attaching to the geographical circumstances of the province, the use of which really means

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a saving of officers' time and allows of stricter supervision than in older days when officers toured in green boats, slowly fighting against the tide. Motor cars are ordinary facilities, particularly in large cities, adding to the efficiency of administration. While as for the palatial buildings of which a picture has been drawn, I am afraid it would scarcely be admitted by those who have a wider experience of the uncomfortable hovels in which so many of our police are housed.

As regards particular items which have been attacked in the Police Budget, I have given answers in detail on a previous occasion, and I do not propose to supplement those remarks. On the general question I will again say that it turns on two main considerations. In the first place, we are making up in the matter of police much leeway. Secondly, in connection with a large labour force, which practically the police is, the modern increase in the cost of living, which entails the giving of higher wages, is bound to entail a heavy outlay. Where so many men are employed as is the case in the police, any small addition—even the addition of a single rupee to constables' pay—involves a very large total, and it is largely to this fact that the increase in the Police Budget is due. I have previously endeavoured to point out that the Budgets of other departments exhibit the same feature of rising expenditure, and it is inconsistent constantly to attack the Police Department for misdemeanors and simultaneously to criticise the expenditure by which it is sought to effect improvements in the force. I should say that three main things are especially necessary in the police. We require to attract a better type of men, and that is dependent on the offer of better prospects and the according of better treatment in the matter of housing and the incidents of living. Secondly, better supervision is needed, and this is closely connected with the provision of motor cars and motor launches which has been alluded to as a defect, while thirdly the police should be given a fair chance, and I am sceptical whether in the atmosphere of attack and, frequently, calumny in which the police live, move and have their being, they are having that fair chance upon which the getting of good work out of any human being so largely depends.

A few incidental points have been raised on the kindred subject of chaukidars, and the suggestion has been made that the chaukidari collections should be included in our provincial Budget. I did not understand the Hon'ble Member to press the point, and obviously it will not tend to increase the efficiency towards which he is aiming; nor is there any better reason for putting chaukidari collections in our Bugdet than, say, for including the receipts from municipal taxation.

As regards the alleged anomaly that the rural population pay for the chaukidars employed by them, while the urban population is exempt from all contribution torwards the police employed within their boundaries, I am afraid the Hon'ble Member who raised this point has resuscitated rather ancient history. The old municipal police charges in this province were done away with in 1882. with the sole exception of those levied in Howrah and certain minor contributions, and even these disappeared in 1898 by common agreement that the arrangement was in every way inefficient and unsatisfactory.

Turning to another sphere, we have had some interesting remarks on the matter of industrial development, and the hope has been expressed that progress in this direction might now be more rapid; that is a hope which we all share, and we are only awaiting the report of the Industrial Commission in order to make a start. Some Hon'ble Members have asked us the meaning of the provision for Rs. 1½ lakhs in the Bugdet for industrial development. This is a lump provision, made in anticipation of the development of schemes, in which we are getting much help from the new Director of Industries, Mr. Peterson, while the war is giving a great stimulus

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to the encouragement of new industries. Probably the greater part of that sum will be spent on an experimental research tannery, for which, I understand, a scheme is practically ready.

The next large subject with which I am concerned is Excise, and although I am afraid I cannot possibly deal with it fully, yet recognising the strong feeling which is entertained in many quarters, and quite rightly too, on the subject of temperance, I would like to make one or two comments. I take the item of country spirit to which, particularly, temperance reformers pay attention. In the first place it is not correct that the consumption of country-spirit during 1917-18 was markedly greater than that of the years preceding; in fact it was less. What really happened was that after years of fairly high consumption, *e.g.*, 1913-14, which showed a total of 823,068 gallons we had a sudden drop in the three succeeding years, running down to 626,454 gallons in 1916-17. Last year the figures took an upward turn, but they are still below those of 1914-15, and very much below the level of the two years preceding that. The increase has been most marked in Calcutta. though there again the figure for 1917-18 is practically only equal to that of 1915-16. and appreciably less than that of the three earlier years; and in Calcutta the Commissioner of Excise attributes the increase, partly to the high price of imported liquor, which may have led some consumers to take to country-spirit, and partly to the prohibition of dilution. The matter of dilution is technical, and I gather that the Hon'ble Dr. Sarbadhikari rather doubts whether it can affect the question. But the stopping of dilution does increase consumption for the simple reason that it prevents the shopkeeper from cheating the customers, in so far as he cannot palm off a weaker spirit as strong spirit. The prevention of dilution has been recognised by various authorities as a reasonable and desirable incident in Excise administration, and it is only part of the efforts that have been made in Calcutta in recent years, for instance. by separating the vend of country-spirit and foreign liquor, to tighten up the Excise administration and to render it more efficient. It was recognised that the prohibition of dilution would increase consumption, but it is justified both in fairness to the consumer and by the desirability of our having an exact knowledge of the circumstances of the liquor trade so that we can properly adjust taxation. But in anticipation of this increased consumption we have taken two distinct steps to check it. In the first place in all previous years license-fees were fixed for the year; in 1917-18 they were varied month by month, so that if consumption in a shop increased we could put up the license-fees and thereby introduce a deterrent; secondly, we have not only fixed higher prices originally, but on two occasions have raised the selling price and the duty, the net result being that a gallon 25° U. P. is costing now 14 annas more than it did on the 1st April 1917. These are all very definite steps designed to deter an undue increase in the consumption of liquor, and in fact it can be shown that the incidence of taxation per proof gallon has gone up considerably from Rs. 8·1 in 1912-13, to Rs. 11·5 in 1917-18. I think this result is one which commends itself to all temperance reformers. Again it is contrary to fact that the proportion of revenue derived from license fees in Calcutta is increasing, thereby exposing us to the criticism that we are practically encouraging sales. In 1915-16, 36·9 of the revenue from country spirit was realized in the form of license fees; in 1916-17 the proportion rose to 40 per cent., but in 1917-18 it had fallen to 16 per cent. I can give the Hon'ble Dr. Sarbadhikari some figures regarding the shop at Maniktala Street to which he has alluded, from which he will see that the license fee was Rs. 2,025 a month in 1915-16, whereas the average monthly license fee fell to Rs. 697 in 1917-18,

The Hon'ble Mr. Altaf Ali seems to be equally under a misapprehension that we are increasing the number of licenses. Excluding wholesale licenses and licenses for hotels, restaurants, bars, railway refreshment rooms, steamers

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etc., but including all those in which foreign liquor can be sold retail for consumption off the premises, in 1914-15 there were 97 shops in which foreign liquor could be consumed on the premises, and 192 places at which it could be purchased for consumption off the premises. In 1916-17 these figures fell to 13 and 176. If we take retail shops for the sale of country liquor we find that they were reduced from 1,292 in 1912-13 to 1,158 in 1916-17; while in the latter year the average area per shop was 64 square miles and the average population served by that shop 39,124. In the light of these statistics, I think, it can fairly be urged that we are not studding the country with grog-shops to the detriment of the people.

There remain, Sir, sundry miscellaneous items on which I can only touch very briefly. The Hon'ble Rai Radha Charan Pal Bahadur has referred to the inadequacy of the pay of ministerial officers, and although we have not been able to do anything special as yet for them, it may interest the Council to know that we have submitted a proposal to the Government of India which is designed to give relief to subordinate servants on Rs. 12 and under.

As regards the matter of female medical education raised by the Hon'ble Dr. Nilratan Sircar, I can give him the satisfactory information that the order debarring the admittance of female students to the Medical College has been rescinded. The reason for its having been passed was that the accommodation available was severely strained, even in taking in a proportion of the male students desiring to be instructed there, while the accommodation could have been materially improved if the Sarnamayee Hostel could have been vacated. The position was explained in detail in answer to a recent question in which it was stated that the opinions of the outside public were invited; practically no such opinions were sent in, but after discussion with the new Surgeon-General, we have decided to modify the order without waiting further.

I have notes of other points of detail raised in the course of this debate, but I am afraid that time is too short to permit of my elaborating them.

To revert to the general financial position I fully admit that it is somewhat tantalising. We have large balances and we have many useful purposes to which we would like to devote our money, but we are not allowed to touch the balances. I am afraid that in connection with provincial finance I may be regarded as somewhat of a Jonah. When I was Financial Secretary in 1909-12 we had no money; now we have money but we cannot spend it. I hope, however, that on that account the Council will not throw me overboard, because it is well-known that the position is due to circumstances over which we have no control. It is due, of course, to the war, and in so far as by economising we can help the resources of India as a whole, the resulting inconvenience and disabilities will no doubt be borne with the same cheerfulness and fortitude as far greater hardships and far greater disabilities are being borne by men in all parts of the Empire at the present time."

LIST OF BUSINESS—ITEM No. 4.

RESOLUTIONS.

(Under the rules for the discussion of matters of general public interest.)

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following resolution:—

This Council recommends to the Governor in Council that the Government Order No. 21 T.—Education, dated Darjeeling, the 23rd April, 1917, defining the limit of promotion of officers in the Subordinate Educational Service, be cancelled.

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He said :—

"My Lord, the principles laid down by the Government in Resolution No. 1281, dated the 30th March, 1897, as regards promotion, are :—

(1) The factors determining promotion are (*a*) efficiency ; (*b*) nature of work, (*c*) capacity for higher responsibility and (*d*) seniority.

(2) Holding of a higher post does not imply promotion but only indicates fitness.

The Hon'ble Mr. Hornell, Director of Public Instruction, thought, however, that the holder of a higher post may or may not get promotion but as holding of a lower post indicates unfitness, so until a post indicating fitness be held there will be no prospect of promotion after a certain limit. The difficulties of the Director of Public Instruction in promoting officers are, according to him :—

(1) The Subordinate Educational Service, as constituted at present, consists of heterogeneous elements possessing different qualifications and doing different works.

(2) It is difficult to balance the claims of different officers at the time of promotion.

(3) Unless the terms are defined everyone considers that he has a grievance when he is superseded.

Need for a definite pronouncement about promotions is, therefore, keenly felt by the Director who, he holds, is competent to deal with individual cases but cannot alter the terms of service without the sanction of the Government. The Director, therefore, suggested remedies which have been accepted and embodied in the Government Circular and which define the prospects of promotions of the various classes of officers in the Subordinate Educational Service in the following way :—

Officers eligible for promotion up to Classes I and II.

Lecturers (including Lecturers of the Oriental Department of the Sanskrit College).

Demonstrators.

Headmasters and Headmistresses of Government High Schools.

District Deputy Inspectors of Schools (including the Deputy Inspectors of Schools, Calcutta).

Superintendents of Technical Schools and the Assistant Head Master of the Dacca School of Engineering.

Foremen Instructors who are ordinarily appointed to Class II.

Two senior teachers of each of the European Schools who can be temporarily entrusted with the duties of the Headmaster and Headmistress.

The Librarian, Presidency College.

Deputy Keeper, Art Section of the Indian Museum.

Head clerks of important subordinate offices such as the offices of all Inspectors of Schools (including the Inspector of European Schools) and of the Principals of the Presidency, Dacca and Civil Engineering Colleges.

Officers eligible for promotion up to Class III.

Assistant Headmasters and Assistant Headmistresses of high schools.

Deputy Inspectors of Schools other than District Deputy Inspectors of Schools.

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Head clerks of the offices of all Principals of Colleges (other than those mentioned under Classes I and II above) and of the Principal, Calcutta Madrassa.

All Assistant Teachers of European Schools other than those mentioned under Classes I and II above.

Senior English Teachers of reformed Madrassas.

Assistant Maulvis (Arabic teachers) of Madrassas.

Assistant Masters of the Dacca School of Engineering.

Laboratory Assistants.

Teachers of the Government School of Art.

Officers eligible for promotion up to Class V.

Assistant Masters of High Schools.

Headmasters of Middle English Schools and Assistant Masters of Technical Schools.

Drawing Masters (other than those employed in the School of Art).

Sub-Inspectors of Schools.

Drill Masters.

Pandits (teachers of Sanskrit).

Maulvis (teachers of Arabic and Persian).

Clerks, other than those mentioned under Classes I, II and III

Cashiers.

Draftsmen.

Librarians of Colleges other than the Presidency and Dacca Colleges.

The remedies, my Lord, do not make any consideration whatsoever of the qualifications, for, among Assistant Masters, there are M. A.'s, M. Sc.'s, B. A's and B. Sc.'s sometimes with B. T. or L T. as additional qualifications. The remedies brand the teachers of High Schools as a class doing less important work and consequently they must not rise above Rs. 100.

Then, again, there is another Circular of the Director of Public Instruction No. 188, dated 9th November, 1916, laying down that graduates must begin on Rs. 35 and M. A.'s and M. Sc.'s on Rs. 50. Thus the teacher of a secondary school must fare between the minimum of 35 and maximum of 100, for all assistant masters—no matter whether they are graduates or Masters in Arts or Science—will never get the chance of becoming Assistant Headmasters or Headmasters.

The number of posts in the first three classes being much less than the number of officers eligible for promotion (under the new circular), by the time when those of the inferior branch will become eligible by virtue of their appointment to superior posts of greater responsibility, there will not only be no room for them in the higher grades, but they will never have any chance as they will evidently have to retire earlier than those who are younger in age. An examination of the list of officers in the Subordinate Educational Service corrected up to 1st October, 1917, will show that the number of officers eligible for promotion up to Classes I to III is 251, while in Classes I, II and III there are available only 107 posts. Not less than 163 are recruited directly in classes varying from V to II. The time taken by an Assistant Master to rise up to Class V, in favourable circumstances, is seldom less than 16 years. Now when a very fortunate Assistant Master finds himself eligible for a higher post he understands perforce, to his great dismay, that his eligibility is after all a dead-sea-apple, for the fortunate juniors have not only monopolised all the higher grades but for want of breathing space threaten to knock him down from [illegible] even Class V. The terms of service were determined by the [illegible] and the Government of India, and require, it seems, [illegible] any alteration.

Resolutions.

Sir S. P. Sinha.

As head of the Education Department it ill-becomes a Director of Public Instruction to say that the teachers of High Schools as a class are doing less important work than others included in the heterogeneous staff.

I think, my Lord, it is deplorable on the part of the Director and cruel and insulting to the teachers that in the face of a consensus of opinion and a definite pronouncement by the Imperial and Provincial Governments, that the teachers of secondary schools are an underpaid and overworked sulky lot—that there should be a circular limiting the promotion of some of them simply because by accident, and not by agreement, these persons are now holding less important posts. It is glaring unkindness and flagrant injustice to give a fresh cause of irritation and disappointment to school masters who are already in the worst condition—social, economic or otherwise—at a time when the Government themselves recognize the desirability of enhancing the grants on Education to bring immediate relief to this suffering class of public servants. A Director of Public Instruction ought to know that the best way, perhaps, of improving the efficiency of the workers in a particularly important sphere is not to brand them as inferior or unimportant and to discourage them by limiting their already too meagre prospects and by damaging criticisms. Surely, my Lord, this sort of treatment does not secure devotion to work in the already too-tightly bound subordinate members of the service.

I would like to give here a few hard cases :—

(1) Babu Tariniprasad Mukherjee (Class II of the Subordinate Educational Service, Assistant Head Master, Hindu School, has been superseded by Mrs. P. Chakrabarti and P. Brahmachari, who are junior to him by two years and four years, respectively. Immediately before or since the circular came into effect he was not offered any Head Mastership. Now, after 33 years of faithful service he has been kindly informed that a brand-new experimental circular has debarred him from promotion.

(2) Babu Kalidas Banerjee, Assistant Master, Sanskrit Collegiate School, after 21 years of good service has been superseded by—

(*i*) Mr. S. Bhattacharjya, junior to him by three years.
(*ii*) Mr. K. N. Bhattacharjya, junior by 16 years.
(*iii*) Mr. Dundakar, junior by six years.
(*iv*) Babu Debendralal Datta, junior by eight years.

(3) Mr. Abdul Halim, Sub-Inspector of Schools, officiating Deputy Inspector of Schools, and Babu Girija Kanta Bagchi, officiating Assistant Head-master, Barrackpur High School, have also been superseded.

Before long there will be a regular crop of similar cases, and the Director of Public Instruction will have the serene satisfaction of seeing his department detested by all self-respecting and worthy men.

Under these circumstances, my Lord, I think the circular complained of should be cancelled.

With these observations I commend this resolution to the acceptance of the Council. I may be permitted to add that if the Government be pleased to accept my proposition, the cases of the officers already superseded under the circular may be kindly considered."

The Hon'ble SIR S. P. SINHA said :—

" My Lord, as the Government have decided to accept this resolution and cancel the circular of which the Hon'ble Member complains, it would perhaps have been sufficient if I merely stated that and nothing else. As it might raise false hopes and give grounds for misconception, I think it necessary to put before the Council the reasons why this circular is going to be withdrawn. The fact is that the nature of the circular is altogether misunderstood, but whether that is right or whether that is wrong, the fact remains that the

Resolutions.

Rai Radha Charan Pal Bahadur; Babu Kishori Mohan Chaudhuri.

circular has caused and continues to cause a great deal of discontent in the Subordinate Educational Service as they consider that it puts a definite block in the way of promotion and makes their position worse than it was. The officers of this Service unfortunately are already labouring under a sense of grievance because of the very small pay and the poor prospects therein. Ever since I joined this Government it has been a matter of serious and anxious consideration to me as to whether the circular should continue or not, and before we received the notice of this resolution we had decided that the circular should be withdrawn because of the misapprehension which exists with regard to it and the discontent which it fosters. But I may explain that the circular does not do the injustice that the Hon'ble Mover of the resolution considers it does. It is designed to give effect to two fundamental principles :—first that promotion from one class to another will not and cannot be determined by seniority alone; and secondly, that though the promotion of an officer to a post of greater responsibility will not necessarily imply promotion to a higher class on higher pay, increase of responsibility will have due weight in the determination of promotions.

"So far as the circular is based on these two principles, I may say at once that there is no intention whatsoever to depart from the principles embodied therein. They would be still applied in considering the question of promotion, and I do not propose to fetter the discretion of the Director of Public Instruction in any way whatsoever in the matter of promotion, after the circular is withdrawn, any more than it was before it was withdrawn. I also wish to mention that the Hon'ble Member should not be under any misapprehension as to this, as he has stated that the circular has caused hardship in several cases. I think he is entirely mistaken. If a man is superseded—to use his own language—it is not necessarily because of this circular; there may be other reasons and in the cases to which he referred there are other reasons which led to the supersession such as it is; and the withdrawal of the circular will not therefore give rise to any claim on the part of any officer to have that question re-opened and re-considered. While withdrawing the circular for the reasons which I have already mentioned, I cannot promise that there will be any departure whatsoever from the two essential and fundamental principles governing promotion, viz., that seniority alone shall not give any claim for promotion and that higher responsibility, though it does not necessarily mean higher pay, shall receive due consideration as a factor in determining promotion."

The Hon'ble RAI RADHA CHARAN PAL Bahadur said :—

"I desire to associate myself with the observations that has fallen from my Hon'ble friend, Babu Kishori Mohan Chaudhuri, and I wish to thank the Hon'ble Member in charge for treating the resolution in a sympathetic spirit. I quite agree with the Hon'ble Member that seniority alone should not be the only test for promotion. He has laid down another principle that higher responsiblity does not necessarily mean higher emoluments. I do not know whether that principle is accepted in all departments of Government and in all services, covenanted and uncovenanted. I for myself think that higher responsibility should carry some increase of salary. I think that is an accepted principle in Your Excellency's Government, and if that is so I do not see any reason why that should not also be accepted in the Education Department and I do not see why seniority should be the only test in that Department."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"I am grateful to Government for the kindness shown in respect of my resolution that the Circular should be withdrawn. I never meant

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Maulvi A. K. Fazl-ul-Haq ; The President.

that seniority alone should govern promotion. Other circumstances should also be considered. I fully appreciate that special consideration should be shown to those doing responsible work. If that circular be withdrawn of course the departmental heads will consider whether there should be any supersession. But on this I have no quarrel with the department. I am grateful to Government for the concession."

The resolution was then put and agreed to.

LIST OF BUSINESS—ITEM NO. 5.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ was to have moved the following resolution :—

"This Council recommends to the Governor in Council that a committee, consisting of officials and non-officials, be appointed to inquire into the cases of alleged oppression committed by the Midnapore Zamindari Company on cultivators in various parts of the Nadia district."

He said :—

"My Lord, since I gave notice of this resolution, I have been advised by several of my friends, whose opinions I greatly value, to ask Your Excellency's permission to wtthdraw this resolution. I acceded to their request, but in doing so I hope I shall not be misunderstood. I still adhere to my right to place before the Council whatever information I possess as regards the alleged cases of oppression committed by the Midnapore Zemindari Company on their tenants in Nadia district, and I certainly think that when I have placed these facts before Government no time will be lost to give these people redress and justice. I also think that although I had ample materials at my disposal to unfold before this Council a tale of untold misery and hardship, I will not do it in the face of the advice of my friends and I will not take up Your Excellency's time any longer over this resolution. Besides, Sir S. P. Sinha has told us that if we look upon these proceedings as absurdities, not to take part in them. To take part in absurdities is another absurdity. I accept his advice also and I think that the best way to avoid absurdity is not to take part in it. Therefore, my Lord, I ask permission to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

The President's Speech.

The PRESIDENT said :—

"Gentlemen, though I shall not be so inconsiderate as, at the end of a somewhat long and sultry day, to inflict a long speech upon a long-suffering and probably mutely-protesting Council, yet I think it is fitting that at the close of the session, the President should briefly review the work which has been achieved. I think we may look back upon the past session with a sense of tolerable satisfaction. We have placed upon the Statute Book certain Bills, which, if they are not of a sensational character, are at any rate measures of advantage to those in whose interest they have been conceived. Among them are the Bengal Public Demands Recovery Act, the Bengal Tenancy (Amendment) Act, and the Bengal Aliens Disqualification Act, while a fourth —the Serampore College Bill—has been passed by this Council and is now awaiting the sanction of the Viceroy. But in addition to these Bills, which have now become or are about to become Acts, we have started on their way other measures of a more ambitious character. We have given a send-off to two Bills which deal with the question of self-government in different spheres.

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The President.

The Calcutta Municipal Bill is now awaiting the comments and criticisms of the Corporation and of other public bodies, and I can assure the Council that when the views of the these different bodies have been submitted, they will receive from Government careful and earnest attention. The other Bill, to which I refer, is the Bill for placing on a broad basis the whole system of village self-government which was introduced in a speech of great lucidity by the Hon'ble Sir S. P. Sinha at the commencement of our proceedings to-day. We shall now look forward with interest to the views which the public may hold with regard to that measure, and I confess that I shall follow its career myself with an interest and solicitude which, I think, I may describe as being almost of a paternal character. At any rate, if I cannot claim to be the actual father of the Bill, I think I may claim that since my arrival in Bengal, I have played towards it the part of a foster-father. I had hoped that this Bill would have been able to make its début amongst you long before now. So far as the Bengal Government are concerned, we had completed our work upon it within four months of the time when I first assumed office, and I have sat with folded arms consumed with such patience as I could summon, as I watched the passage of the eight months which, as events have shown, have been necessary for obtaining the sanction of the higher authorities to its introduction. But, at any rate, the Bill has at last made its appearance and it is our hope that it will receive from the public sympathetic and favourable consideration. Constitution-making is at the present moment a rather fashionable pastime, but it seems to me that some of the architects of new constitutions in their anxiety no doubt to build an attractive and ornamental top storey to their buildings have been a little prone to forget the necessity of laying a broad and firm foundation upon which to raise up their structure. The Village Self-Government Bill is the contribution of the Bengal Government to that most necessary part of the edifice. For my own part I am delighted to be able to say that from personal experience which, from time to time, during the past year I have had of the working of union committees, even under the existing law, defective though that law is, I look forward with hope and with confidence to seeing in this Presidency in the years that are to come, growing up a net-work of comparatively small self-governing units looking after their local needs, imposing the necessary taxation with the assent of the taxed, because the taxed themselves will see that the taxes which they pay are spent to their own interest and advantage.

"Now, those, as I have said, are the more ambitious measures which we have launched upon their way; but I must not omit to mention three other Bills with which the Council has also concerned itself. We have had introduced to our notice two Bills by private Members—the Bengal Juvenile Smoking Bill and the Bengal Primary Education Bill. What the views of the public may be with regard to those proposals, we do not yet know; but it is gratifying to find that private members of the Legislative Council are taking a keen interest in measures of social reform of this kind, and whatever may be the ultimate fate of these two particular measures, I hope that they will not be discouraged in their endeavours. The only other Bill which has been introduced during the present session is, I believe, an old and rather familiar friend, namely, the Calcutta Hackney Carriage Bill, which is still struggling to find its way on to the Statute Book. So far as the Government are concerned, in this case also we are still waiting for the opinions of the public upon our proposals. But our energies have not been occupied solely with legislative projects. During the course of the past session no less than 60 starred and 408 unstarred questions have been asked and answered. On the Financial Statement, the record number of 49 resolutions have been dealt with, and upon subjects of general public interest and importance, 46 resolutions have also been disposed of in the Council.

Resolutions.

The President.

"May I just say one word with regard to the rules under which we work? We are a young body, we have no great volume of tradition behind us to look to for guidance. We are indeed engaged ourselves in making our own traditions and it behoves us, therefore, to walk warily and to guard against creating precedents which may prove a source of embarrassment to our successors in the future. Some Hon'ble Members sometimes make requests to me that I should stretch the rules under which we work in order to suit their convenience. On several occasions, for example, resolutions had been sent in too late for admission and discussion at a meeting of the Council, and Hon'ble Members have written to say that they knew that they were sending them in a little too late; but would I make an exception in their case and allow them to be discussed at the coming meeting. If one makes an exception in one case, one must make exceptions in all cases, and if we have a rule at all, the rule must obviously be observed. Hon'ble Members will see for themselves that if we make an exception in the case of one Hon'ble Member, it will be unfair to the other Members of the Council. It may be, of course, that some event of great public interest and importance may arise unexpectedly and it is desirable that it should be discussed at the earliest possible opportunity in this Council. Under such circumstances I should consider it perfectly legitimate to make an exception to that particular rule. But the cases to which I have referred have never had behind them the support of reasons of that kind, and I have, generally speaking, found it necessary to refuse them.

"Then again I would give you one other example. Take the case of the rules with regard to questions. I think Hon'ble Members sometimes forget to read rule 5 which deals with the asking of questions; that particular rule says that a question should not be of undue length and secondly that it should not contain arguments or inferences. Well, I have sometimes found fault with questions on the ground that they violated that rule. I do not know whether it is due to their legal talent and ability that Hon'ble Members unconsciously drift into argument, or if so that we must attribute it to the fact that there are so many eminent members of the legal profession on the Council that this rule is not always adequately observed. But for the reason which I have already given, namely, that we are now really creating traditions which will be looked back to by our successors for guidance—for that reason we should be most careful in observing as strictly as possible the Rules of Business which are laid down. And where there may be no specific rules to guide us, it has been always my practice to follow, so far as possible, the procedure followed in the House of Commons. Hon'ble Members will no doubt agree that the procedure of the House of Commons is the best model which we can take on which to frame our own.

"Now, I have only a few words to say with regard to the subject matter of some of the resolutions. We have had resolutions moved on many matters of interest and importance, resolutions on questions of sanitation, questions of education, questions of administration generally, and I think we have had our fair share of resolutions on the administration of the Defence of India Act in particular. With regard to that measure, Government have been criticised both in this Council and outside it, and I can at least express my gratification that the criticism which has been directed against us within the walls of this Council has not shown that lack of restraint which I have sometimes noticed in the criticisms which are directed against us from less responsible quarters outside. Well, I would like to point out to Hon'ble Members that it is very easy for a man who bears no burden of responsibility to criticise those who do and after all it is upon the Government that the responsibility rests and in particular the responsibility for the prevention of crime. It is quite true no doubt that a moral responsibility rests upon all public men to do what they can to assist the Government in

Resolutions.

The President.

the prevention of crime; and I have not the slightest doubt that I can rely upon every Hon'ble Member of this Council to do what he can to bring home to the public at large that moral responsibility which rests upon them. But the actual and ultimate responsibility does and must rest upon the executive Government. So far as the Defence of India Act is concerned, we stand to-day where we have always stood. We exercise our powers under it with one object and one object only in view,—the object, that is to say, of preventing crimes. When I was addressing the Council at the opening meeting of this session, I travelled widely over the ground and I do not propose on this occasion to repeat my excursion, but there are two points to which I would briefly refer. We decided, as I told the Council on that occasion, that there were cases when in our judgment men who had been guilty of crime in a lesser degree only could be released from internment without further endangering the public peace, and I told the Council that it was the policy of Government, to quote my own words—'the policy of Government deliberately adopted with a full knowledge of all the facts to release such men as could in our judgment be set free without endangering the safety of society and the public peace.' And I explained that men who had been guilty only in a minor degree and for whose behaviour security could be obtained, would, under those circumstances, be set at liberty. We have not receded from that policy; we have continuously pursued it, and it may be of interest to the Hon'ble Members of this Council to know that up to the present time in pursuance of that policy, we have released in round numbers—I do not pledge myself to an absolute number because this process is a continuing process—since this Act came into force upwards of 225 men who have been interned under the provisions of the Defence of India Act or under the provisions of kindred measures. In addition to that, we have relaxed restrictions upon upwards of a hundred men who were interned away from their homes, and have allowed them what is known as 'home domicile', that is to say, we have allowed them to go back to their own homes subject to that small amount of surveillance which is necessary to see that they do not re-engage in their previous undesirable activities.

"Well, there is one other point in connection with our administration of this measure. It is a point to which I referred also in the speech which I made at the opening of Council at the beginning of the present session. I said that the Government was satisfied that such safeguards were provided as would reduce to a minimum the possibility of error in our administration of this Act. But I admitted that there might be some persons who do not possess the knowledge which Government possess and who might legitimately desire that there should be some additional safeguards over and above those which we had already provided, and I made that statement in these words :—

> If, however, it is suggested that a small Judicial Committee would be regarded a more satisfactory form of safeguard against possible errors on our part, we shall be prepared, in future, to submit our cases against all persons whom we proposed to place under restraint under the Defence of India Act, Ingress Ordinance, or Regulation III of 1818, to such a Body consisting of two Judges, for their opinion.

Well, I am bound to say that I was rather surprised and a little disappointed that my offer on that occasion met with such a cold welcome. I looked in vain among the speeches of public men on the platform and in the columns of the Press for any expression of opinion that this would be a satisfactory safeguard from the point of view of the public. I can assure Hon'ble Members that I found very little; on the other hand, I found a good deal of scorn and a good many remarks that a Committee of this sort would be worse than useless. That was not very encouraging. It is true that four months after I made the offer, an Hon'ble Member of the Imperial Legislative

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The President.

Adjournment.

Council raised the question in that Body and elicited a similar offer to the one which I had made, or one which was somewhat similar, at any rate, from the Government of India. Then, I find to my astonishment that even this offer on the part of the Government of India has not met with any very cordial assent. It is true that in some quarters a mild expression of approval is to be found in the Press; on the other hand, in other quarters the proposal, if I may use a homely expression, has been damned with faint praise. What I want to submit to the Council is this: that these offers on the part of the Bengal Government and on the part of the Government of India were made under the belief that they would prove acceptable to public opinion. If we have been mistaken, if these offers are not acceptable to public opinion, if they are to be treated with scorn, if we are to be told that a Judicial Committee of this kind will be worse than useless—as we have been told on more occasions than one—then I say that the whole point of making these offers at once disappears. If the public do not wish these additional safeguards which have been proposed then upon the head of the public the responsibility must lie, if they do not receive them. It may be that public opinion has not had full time since the recent speech of the Home Member to express itself. But to be quite frank with the Hon'ble Members of this Council I must confess that a good deal of the opinion which has so far been expressed by public men on this offer, has not been of a character which leads me to suppose that, if the offer is put into force, it will prove acceptable to them. It remains for the public themselves to make it clear one way or the other whether they desire a machinery of this kind or whether they do not.

"I began my remarks by saying that I would not be so inconsiderate as to inflict upon the Council a long speech; but I am afraid that I have already rather transgressed the limits which I intended to impose upon myself. In bidding the Members of this Council an official farewell until our next meeting, I would once more congratulate them on the useful work which this Council has achieved during the past session. I would commend to their careful and sympathetic consideration those proposals which the Government of Bengal have now submitted to them; in the first place, in connection with the Calcutta Municipal Bill and, secondly, in connection with the Village Self-Government Bill. I hope it may be found possible without any undue delay—we have no desire whatsoever to curtail the time which may be thought necessary to give adequate consideration to these measures—for us to obtain the considered opinions of the Hon'ble Members of this Council and of the public generally upon our proposals.

"The Council now stands adjourned *sine die*."

ADJOURNMENT.

The Council was then adjourned *sine die*.

A. M. HUTCHISON,

Secretary to the Government of Bengal and
Secretary to the Bengal Legislative Council (Offg.).

CALCUTTA,
The 20th April, 1918.

APPENDIX A.

(Referred to in the answer to Question No. 1.)

Statement regarding gazetted officers in Bengal districts.

District.	Number of Gazetted British Officers in January, 1914.	Amount drawn as salary by officers in column 2.	Number of Gazetted British Officers in January, 1918. Holding appointments held by British Officers in January, 1914.	Holding other appointments.	Total.	Amount of salary drawn by officers in— Column 4.	Column 5.	Column 6.	Number of Indian Officers holding in January, 1918, appointments held by British Officers in January, 1914.	Salary drawn by officers in column 10.	Total of column 7 and 11.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13
		Rs. A. P.				Rs. A. P.	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	
Burdwan ...	7	6,575 0 0	4	2	6	2,566 10 8	2,066 10 8	5,633 5 4	3	1,750 0 0	5,316 10 8	
Bankura ...	5	3,933 5 4	1	2	3	2,000 0 0	1,600 0 0	3,600 0 0	3	2,300 0 0	4,300 0 0	
Birbhum ...	2	3,300 0 0	...	2	2	......	3,000 0 0	3,000 0 0	1	1,500 0 0	1,500 0 0	One Revenue Department appointment on a salary of Rs. 400 a month abolished.
Midnapore ...	10	13,833 5 4	6	2	8	8,450 0 0	1,150 0 0	9,600 0 0	8	3,530 0 0	11,980 0 0	Two Revenue Department appointments on a salary of Rs. 1,466-10-8 a month abolished.
Hooghly ...	9	9,230 5 4	5	5	10	7,333 5 4	5,233 5 4	10,766 10 8	2	2,525 0 0	9,858 5 4	One appointment in the Police Department was vacant in January, 1918, and one officer in the Medical Department held dual appointments.
Howrah ...	12	8,966 10 8	8	1	9	7,950 0 0	850 0 0	8,800 0 0	2	1,050 0 0	9,000 0 0	An appointment in the Police Department transferred to Bihar and Orissa.
Calcutta ...	11	13,746 10 8	5	1	6	7,866 10 8	950 0 0	8,816 10 8	6	7,775 0 0	15,640 10 8	
24-Parganas	19	22,386 10 8	12	4	16	15,906 10 8	2,300 0 0	17,656 10 8	4	1,470 0 0	17,376 10 8	Three appointments, viz., one of Cantonment Magistrates, Barrackpore and Dum-Dum, one under the Excise Department and another of temporary Additional District and Sessions Judge, on a total salary of Rs. 3,350 a month, abolished.
Nadia ...	5	1,000 0 0	1	3	4	900 0 0	5,050 0 0	5,950 0 0	1	250 0 0	1,150 0 0	
Murshidabad	7	7,375 0 0	4	...	4	3,975 0 0	......	3,975 0 0	2	1,883 5 4	5,858 5 4	One appointment in the Education Department on a salary of Rs. 450 a month abolished.
Jessore ...	5	6,666 0 0	3	2	5	5,300 0 0	1,683 5 4	6,983 5 4	2	650 0 0	5,950 0 0	
Khulna ...	3	2,185 0 0	2	2	4	1,635 0 0	4,250 0 0	5,885 0 0	...	......	1,635 0 0	One appointment in the Revenue Department on a salary of Rs. 450 a month abolished.
Dacca ...	41	36,490 0 0	27	3	30	25,964 5 4	1,480 0 0	30,444 5 4	14	8,805 0 0	34,769 5 4	Three appointments in the Revenue Department on a total salary of Rs. 3,000 a month abolished.
Mymensingh	[illegible]	17,[illegible] 5 4	6	...	6	8,166 10 8	.....	8,166 10 8	11	4,413 5 4	12,960 0 0	Five appointments in the Revenue Department on a total salary of Rs. 4,216-10-8 a month abolished.
Faridpur ...	[illegible]	[illegible] 0 0	4	...	4	4,850 0 0	.....	4,850 0 0	2	956 10 8	5,806 10 8	One appointment in the Revenue Department on a salary of Rs. 800 a month abolished.
Bakarganj ...	11	10,050 0 0	4	1	5	5,650 0 0	1,500 0 0	7,150 0 0	7	3,720 0 0	9,370 0 0	
Chittagong ...	10	13,425 0 0	8	...	8	9,948 5 4	......	9,948 5 4	7	5,116 10 8	15,065 [illegible] 0	
Tippera ...	10	9,466 10 8	5	1	6	6,800 0 0	1,233 5 4	8,033 5 4	5	1,460 0 0	9,350 0 0	
Noakhali ...	3	4,300 0 0	1	...	1	1,800 0 0	......	1,800 0 0	2	1,690 0 0	3,490 0 0	
Rajshahi ...	15	11,600 0 0	7	1	8	7,350 0 0	450 0 0	5,550 0 0	5	2,650 0 0	10,000 0 0	One appointment in the Revenue Department on a salary of Rs. [illegible] a month abolished.
Dinajpur ...	6	7,075 0 0	3	1	4	5,450 0 0	700 0 0	6,150 0 0	3	1,580 0 0	[illegible] 0 0	
Rangpur ...	5	2,500 0 0	2	2	4	1,900 0 0	1,200 0 0	3,100 0 0	...	......	1,900 0 0	
Jalpaiguri ...	17	16,686 5 4	7	1	8	9,140 0 0	700 0 0	9,840 0 0	6	2,064 0 0	11,[illegible]	Three appointments in the Revenue Department and one in the Public Works Department on a total salary of Rs. [illegible] a month abolished.
Malda ...	1	700 0 0	1	1	2	800 0 0	1,800 0 0	[illegible],600 0 0	...	......	[illegible] 0 0	
Bogra ...	1	900 0 0	1	...	1	1,000 0 0	......	1,000 0 0	...	......	[illegible]	
Pabna ...	3	2,350 0 0	2	1	3	1,466 10 8	500 0 0	1,966 10 8	1	[illegible]	[illegible]	
Darjeeling ...	17	18,0[illegible] 0 0	12	3	15	[illegible]	1,[illegible] 10 8	11,[illegible] 5 4	[illegible]	[illegible] 0 0	11,[illegible] 10 8	Two appointments, one in the Public [illegible] Education [illegible] total salary [illegible] abolished.
Total ...	267	2,56,370 [illegible]	161	41	182	1,68,515 14 0	[illegible]	[illegible]	[illegible]	[illegible]	[illegible],706 14 0	

APPENDIX B.

(Referred to in the answer to Question No. X.)

Nos. 1604—1612A., dated Calcutta, the 3rd March 1905.

From—R. W. CARLYLE, ESQ., C.I.E., Offg. Chief Secretary to the Government of Bengal,

To—The Commissioner of

IT appears to the Lieutenant-Governor, from the perusal of a large number of Confidential Reports, they are frequently useless, or at all events not nearly as useful as they might be, on account of the vague language in which they are couched.

2. There is not much harm in saying that an officer is "good," because it may be taken to mean that a reporting officer has really no criticism to offer, and that the officer reported on has given satisfaction. At the same time, if an officer has any particular good quality worth mentioning, it may be of great advantage that it should be specially mentioned in the report. For example, it may be useful to the Government to know that a man is "tactful," or "energetic" or "sound in judgment," when it is necessary to choose an officer possessing any of these qualifications for any special duty.

3. It is distinctly more objectionable to use a vague phrase like "bad" or "unsatisfactory" or "useless" in reporting unfavourably of an officer. It is essential to know, if possible, wherein the badness consists. The report should state whether the officer is "perverse," "untrustworthy," "perfunctory," "lazy," or whatever the particular unfavourable characteristic of his work may be; and in the case of a seriously bad report, it is a good thing, if possible, to illustrate very briefly the unfavourable trait.

4. The essential point to be kept in view in reporting on officers is that the report should be so full as clearly to show special merits or defects, so that those who have to peruse the reports may be able to form a correct and definite judgment as to how the services of the officers concerned may best be utilised.

5. It is right that an officer who is badly reported on should be informed of the fact. This is desirable, not so much to enable him to defend himself (and certainly not to enable him to enter into a controversial correspondence), but rather that he may be warned and have an opportunity of giving his attention to the curing of the defects which have been brought to notice. It is useless to send vague reports to an officer for his information, but when any particular defect is pointed out, he should be told that the defect has been brought to notice, and that he should set himself to cure it.

6. This does not apply to cases where the defect pointed out is one which cannot be cured by the officer concerned and where it could only give him pain if he were informed. It may, for instance, be desirable that Government should know that an officer is not very intelligent, but the officer concerned could not benefit by being told this. At the same time it may be necessary, in the interest of fairness of dealing, to communicate the report.

7. Wherever benefit may result from communicating an unfavourable report, or where fairness demands its communication, the officer reported on must be informed of the contents of the report; and the fact that he has been so informed must be noted for the information of Government. Where Government thinks that a report withheld should have been communicated, it will repair the omission.

APPENDIX C.

(Referred to in the answer to Question No. X.)

Nos. 5489—5504A., dated Darjeeling, the 26th June 1916.

From—THE HON'BLE MR. J. H. KERR, C.I.E., I.C.S., Chief Secretary to the Government of Bengal,

To—(1) All Commissioners of Divisions; (2) the Inspector-General of Police; (3) the Inspector-General of Prisons; (4) the Chief Presidency Magistrate, Calcutta; (5) the Commissioner of Police, Calcutta; (6) the Director of Land Records; (7) the Director of Surveys; (8) the Director of Agriculture; (9) the Registrar, Co-operative Societies; (10) the Inspector-General of Registration; (11) the Secretary, Board of Revenue; (12) the Commissioner of Excise and Salt.

I AM directed to forward, for your information and guidance, a copy of a Resolution by the Government of India, Home Department, Nos. 1568-95, dated the 14th September 1915, in which they lay down the principles which should be observed in communicating to subordinate officers in civil employ unfavourable remarks made by their superior officers.

2. The two main principles laid down by the Government of India are:—

(1) that only those defects, which are remediable and concerning the existence of which no doubt can exist, should be pointed out to the officer at fault; and

(2) that the manner and method of communication should be such as to secure the maximum benefit to the officer, having regard to his temperament.

3. With reference to the question of the authority by whom the unfavourable remarks should be communicated to the officers concerned, it is important to notice that the Government of India have directed that when a report is built up on the individual opinions of different departmental superiors in gradation, it is only the opinion as accepted by the highest authority which need be considered from the point of view of communication. In view of these orders, the Governor in Council is pleased to direct that an unfavourable report shall not be communicated to the officer concerned except by, or under the orders of, the authority which submits the report to Government or the Board of Revenue, namely, the Commissioner, the Head of the Department, or the District Judge, or, in the case of the Public Works Department, the Chief Engineer. His Excellency in Council leaves it to these high authorities, who have first-hand knowledge of the work of the officers reported on, to decide, with reference to the principles laid down by the Government of India, in which cases it is desirable to communicate unfavourable remarks to the officers concerned, and whether the communication should be verbal or written, and whether it should be made direct to the officer concerned or through an intermediate authority or through his immediate superior.

4. I am further to point out that the orders contained in paragraph 3 of the Resolution refer only to annual reports, and do not in any way affect the right and duty of an officer to admonish his subordinates with a view to the eradication of faults which come to his notice in the course of his ordinary work. When a defect has already been pointed out in this way, it may not be necessary, on the occasion of the submission of the annual report, to communicate further with an officer concerning his defects. Each authority should, therefore, in reporting the existence of remediable defects in an officer, note the action which has already been taken or which it is proposed to take to cure them, so as to enable superior authorities and Government to decide whether any further action is necessary in connection with the annual report.

5. The orders now issued supersede those contained in paragraphs 5, 6 and 7 of Government Circular Nos. 1604-12 A., dated the 3rd March 1905.

APPENDIX D.

(Referred to in the answer to Question No. XI.)

Statement showing the number of enrolled candidates for the Provincial Judicial Service from each District.

Bakarganj	... ...	5
Bankura ...	... ...	2
Chittagong	... ...	1
Dacca ...	... ...	7
Dinajpur ...	... ...	1
Faridpur ...	... ...	4
Hooghly ...	... ...	4
Jessore ...	... ...	1
Khulna ...	... ...	1
Midnapore	... ...	1
Murshidabad	... ...	4
Mymensingh	... ...	4
Nadia ...	... ...	5
Noakhali ...	... ...	3
Pabna ...	... ...	2
Rajshahi ...	... ...	1
Tippera ...	... ...	3
24-Parganas	... ...	2
Calcutta ...	... ...	7
Dibrugarh (Assam) ...	... ...	1
	Total ...	59

APPENDIX E.

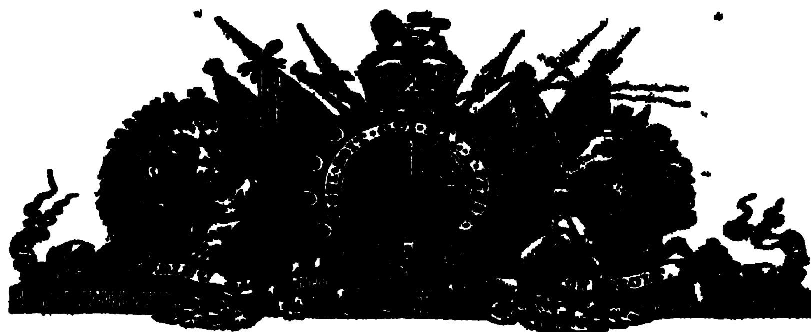
(Referred to in the answer to Question No. XIX.)

Statement regarding Auditors and Inspectors in the Co-operative Credit Societies.

Serial No.	NAME OF OFFICER.	Designation.	Qualifications.	DATE OF APPOINTMENT. Temporary.	DATE OF APPOINTMENT. Permanent.	Home district of officers.
1	Babu Bata Krishna Das ...	Inspector ...	Read up to F. A., passed 4th grade Accountantship Examination.	......	1st April 1914.	Nadia.
2	" Upendra Nath Sen ...	Ditto ...	B. A. ...	......	Ditto ...	Dacca.
3	" Suresh Chandra Sen ...	Ditto ...	B. A. ...	......	Ditto ...	Do.
4	Maulvi Muhammad Shamsuz-zoha.	Ditto ...	Read up to B. A.	......	Ditto ...	Tippera.
5	Babu Ratinath Bose ...	Ditto ...	Read up to F.A. ...	......	1st July 1914.	Midnapore.
6	Maulvi Aziz Ahmad ...	Ditto ...	Read up to B.A ...	......	6th August 1914.	Birbhum.
7	Babu J. K. Ghosh ...	Ditto ...	B. L	25th October 1915.	......	Howrah.
8	" Nani Gopal Chaki ...	Ditto ...	......	1st April 1916.	......	Pabna.

APPENDIX E—*concld.*

Serial No.	Name of Officer.	Designation.	Qualifications.	Date of appointment.		Home district of officers.
				Temporary.	Permanent.	
9	Maulvi Abul Hayat ...	Inspector ...	Read up to B.A. ...	17th April 1916.	......	Burdwan.
10	" B. Badar ...	Ditto ...	Read up to F.A. ...	6th August 1917.	......	Calcutta.
11	Babu Kiran Chandra Sen Gupta.	Ditto ...	L. Ag. (Sabour) ...	19th November 1917.	......	Jalpaiguri.
12	Babu Hiralal Das Gupta ...	Ditto ...	Read up to B.A. ...	1st June 1917.	......	Dacca.
13	Maulvi Shaffiuddin Ahmad ...	Ditto ...	Passed School Final examination B class and passed Sub-Overseer.	21st November 1917.	......	Tippera.
14	Babu Muralidhar Das ...	Chief Auditor (formerly Inspector).	B. L. Received training under Chartered Accountant.	1st April 1916.	......	Dacca.
15	Maulvi Abul Wahed Khondkar.	Auditor ...	Received several years' training under Co-operative Central Banks.	1st January 1918.	......	Faridpur.
16	Maulvi Abul Azim ...	Ditto ...	Ditto ...	Ditto ...	......	Ditto.
17	" Golam Haider ...	Ditto ...	Ditto ...	Ditto ...	......	Dacca.
18	" Abdul Hamid ...	Ditto ...	Ditto ...	Ditto ...	......	Tippera.
19	" Khondkar Ali Mahsin	Ditto ...	B. A.	Ditto ...	......	Murshidabad.
20	" Abdul Jabbar ...	Ditto ...	Read up to B. A. ...	Ditto ...	......	Dacca.
21	Babu Jogendra Nath De ...	Ditto ...	Received several years' training under Co-operative Central Banks.	Ditto ...	......	Khulna.
22	" Abinash Ch. Sen ...	Ditto ...	Ditto ...	Ditto ...	......	Dacca.
23	" Annada Prasad Mukharji	Ditto ...	Ditto ...	Ditto ...	......	Birbhum.
24	" Gopal Ch. Bhattacharji	Ditto ...	M. A. ...	10th March 1918.	......	Pabna.
25	" Nishi Kanta Mukharji	Ditto ...	......	1st January 1918.	......	Faridpur
26	" Beni Madhab Sikdar ...	Ditto ...	B. A. ...	Ditto ...	......	Jessore.
27	" Manmohan Barua ...	Ditto ...	B. A. ...	Ditto ...	......	Chittagong.
28	" Pravash Ch. Pathak ...	Ditto ...	M. Sc. ...	Ditto ...	......	Midnapore.
29	" Gokul Singh Ganatraj	Additional Inspector.	......	11th March 1918.	......	Darjeeling.
30	" Upendra Nath Mukharji	Ditto ...	B. A. ...	29th March 1918.	......	Faridpur.
31	" Sudhir K. Bose ...	Ditto ...	B. Sc. ...	3rd March 1918.	......	Calcutta.
32	" Sushil Ch. Lahiri ...	Ditto ...	B. L. ...	16th March 1918.	......	Pabna
33	" Prafulla K. Mitra ...	Ditto ...	M. A. ...	15th March 1918.	......	Dacca.
34	" Charupada Roy ...	Ditto ...	M. A. ...	1st March 1918.	......	Murshidabad.
35	" Sudhir K. Banerji ...	Ditto ...	Weaving-master, Bankura Weaving School.	8th March 1918.	......	Hooghly.
36	Maulvi Abdul Rakib ...	Ditto ...	B. A. ...	15th March 1918.	......	Murshidabad.
37	Babu Nalini Kanta Das Gupta.	Ditto ...	......	Ditto ...	......	Dacca.
38	Maulvi Abdur Rahman Khan	Ditto ...	M. A. ...	Ditto ...	......	Calcutta.
39	" Anwar Hossain ...	Ditto ...	Matriculate ... Received training under Central Bank as Supervisor.	Ditto ...	......	Faridpur.
40	" Hafizulla ...	Ditto ...	Read up to B. A. ...	Ditto ...	......	Dacca.



The Calcutta Gazette

WEDNESDAY, JULY 31, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act. 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Wednesday, the 3rd July, 1918, at 11 A.M.

Present:

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, Presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHATAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble SURGN.-GENL. W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble Mr. C. H. Bompas, C.S.I.

The Hon'ble Mr. W. C. Wordsworth.

The Hon'ble Mr. C. F. Payne.

The Hon'ble Rai Priya Nath Mukharji Bahadur, I.S.O.

The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.

The Hon'ble Sir Nilratan Sarkar, Kt.

The Hon'ble Mr. J. Mackenzie, O.B.E.

The Hon'ble Mr. W. H. H. Arden-Wood, C.I.E.

The Hon'ble Mr. Aminur Rahman.

The Hon'ble Raja Hrishikesh Laha, C.I.E.

The Hon'ble Mr. Provash Chunder Mitter.

The Hon'ble Babu Siv Narayan Mukharji.

The Hon'ble Kumar Shib Shekhareswar Ray.

The Hon'ble Sir Deba Prasad Sarbadhikari, Kt. C.I.E.

The Hon'ble Rai Debender Chunder Ghose Bahadur.

The Hon'ble Rai Radha Charan Pal Bahadur.

The Hon'ble Mr. F. W. Carter, C.I.E., C.B.E.

The Hon'ble Mr. W. E. Crum, O.B.E.

The Hon'ble Mr. E. B. Eden.

The Hon'ble Mr. E. A. Martin.

The Hon'ble Mr. H. R. A. Irwin, C.I.E.

The Hon'ble Maulvi Abul Kasem.

The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri.

The Hon'ble Maulvi A. K. Fazl-ul-Haq.

The Hon'ble Khan Sahib Aman Ali.

The Hon'ble Babu Bhabendra Chandra Ray.

The Hon'ble Mr. Altaf Ali.

The Hon'ble Rai Sri Nath Ray Bahadur.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble Babu Surendra Nath Ray.

The Hon'ble Babu Mahendra Nath Ray, C.I.E.

The Hon'ble Babu Kishori Mohan Chaudhuri.

LIST OF BUSINESS—ITEM No. 1

OATH OR AFFIRMATION OF ALLEGIANCE.

1. The Hon'ble Surgeon-General Robinson, the Hon'ble Mr. Duval and the Hon'ble Babu Siv Narayan Mukharji made an oath or affirmation of their allegiance to the Crown.

Questions and Answers.

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTIONS.

The following questions which had been starred were put and answered :—

By the Hon'ble BABU AMBIKA CHARAN MAZUMDAR :—

* 1.

(*a*) Will the Government be pleased to state whether it is a fact that the governing body of the Dacca College has submitted a proposal for raising the tuition fee of the students of that college from Rs. 6 to Rs. 9 a month? Raising the tuition fee of the Dacca College.

(*b*) What is the approximate total number of students in the Dacca College and what proportion of them belongs to the so-called "well-to-do classes" for whom the Dacca University Committee proposed to establish a separate college in that city?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Yes.

(*b*) The number of students on the rolls is approximately 900. Government have no information as to the incomes of the parents and guardians of the students and are unable to say how many of the students would come under the category of 'well-to-do classes.' "

By the Hon'ble BABU AMBIKA CHARAN MAZUMDAR :—

* 2.

(*a*) Are the Government aware that the prices of cloth have gone up abnormally high and that they are still on the increase? High prices of cloth.

(*b*) Are the Government also aware that this rise is causing great hardship, particularly among the middle and the lower classes of the people?

(*c*) Is it in the immediate contemplation of Government to take steps to put a stop to this inflation in the prices of cloth?

Answer by the Hon'ble MR. KERR :—

" (*a*) Yes..

(*b*) Yes.

(*c*) The matter will be discussed at to-day's meeting of the Legislative Council in connection with the relevant resolutions on the agenda paper."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 3.

(*a*) Are the Government aware that Babu Basanta Kumar Ray, formerly lecturer in English, Chittagong College, was, in 1913, on the recommendation of the College governing body, promoted straight from class V of the Subordinate Educational Service (Rs. 100 grade) to a vacant professorship in the same college? Promotions to the Provincial Educational Service.

(*b*) Is it a fact that he was promoted over the heads of several senior lecturers in English, not only of much higher grades and longer standing but of equal or even higher attainments?

Questions and Answers.

(c) Is it a fact that Babu Upendra Nath Ray (M.A., class II), of the same college (lecturer in mathematics), was about a year or two ago promoted to a virtually permanent vacancy in the Provincial Educational Service in the same college on the recommendation of the governing body?

(d) Is it a fact that a first class M.Sc. in mathematics, a lecturer in another Government College, was available for the vacancy?

(e) Is it a fact that there are several first class M.A.'s or M.Sc.'s who have long been employed as lecturers or demonstrators in Government Colleges?

(f) Is it a fact that some of these officers are of about, or over ten years' standing, and have not yet been promoted to the Provincial Educational Service?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) Babu Basanta Kumar Ray was appointed temporarily as a professor and substantively *pro tempore* in the Provincial Educational Service on the recommendation of the governing body of the Chittagong College.

(b) He temporarily superseded five senior lecturers in English. There was no permanent supersession.

(c) Babu Upendra Nath Ray was appointed to act in the Provincial Educational Service in a temporary vacancy on the recommendation of the governing body of the College. There is no reason to suppose that the temporary vacancy will be virtually permanent.

(d) No.

(e) No.

(f) No. There is only one such officer of 10 years' standing or more, and he is already acting in the Provincial Educational Service."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 4.

Promotions to the Provincial Educational Service.

Is it a fact that Babu Gurubandhu Bhattacharji, a pass course B.A., B.T., formerly an Assistant Master at the Dacca Collegiate School, was, on having served as a lecturer for about a year or so at the Dacca Training College, promoted from class V of the Subordinate Educational Service (Rs. 100 grade) to the Provincial Educational Service, as Superintendent, Chittagong Normal School, over the heads of several M.A., B.T.'s and M.A.'s trained at Kurseong, who were on much higher grades and had longer experience?

Answer by the Hon'ble MR. O'MALLEY :—

" Yes. The circumstances of the Chittagong Normal School required the appointment of an officer of special capacity as Superintendent and it was therefore necessary to supersede senior officers not possessing equal capacity."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 5.

Promotions to the Provincial Educational Service.

(a) Is it a fact that a lecturer in philosophy at the Dacca College, with a low second class degree in M.A. has very recently been promoted to a virtually permanent vacancy in the Provincial Educational Service in the same

Questions and Answers.

college, from class IV of the Subordinate Educational Service (Rs. 125 grade), although a first class M.A. who had done good work in the Presidency College, Calcutta, for about a year, was available for the vacancy?

(*b*) Is it also a fact that the said junior officer was promoted over the heads of several senior lecturers of much higher grades in the service and of equal superior attainments who were employed elsewhere?

Answer by the Hon'ble MR. O'MALLEY :—

(*a*) No. The M.A. in question had left the Education Department and it was considered desirable to appoint an officer serving in the Department in preference to him or any other outsider.

(*b*) Yes. The cases of all officers senior to the lecturer referred to were duly considered. He was found to possess equally long experience of college work and his appointment was judged to be in the best interests of the College."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 6.

Promotions to the Provincial Educational Service.

(*a*) If the cases of supersession alleged in questions Nos. 3, 4 and 5 are true, will the Government be pleased to state how many officers were allowed to be superseded by each of the four officers referred to in those questions?

(*b*) Will the Government be further pleased to state the reasons for these promotions?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) As explained in the answer to question No. 3 (*a*) and (*c*), no permanent supersessions were involved. The number of officers superseded in the cases referred to in questions Nos. 4 and 5 was 7 and 3 respectively.

(*b*) The Hon'ble Member is referred to the replies to questions Nos. 4 and 5.

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 7.

Promotions to the Provincial Educational Service.

Are the Government aware of the opinion that has been expressed that the supersessions of the kind referred to in the foregoing questions have been much more numerous since the introduction of the college governing body system than before.

Answer by the Hon'ble MR. O'MALLEY :—

" No."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 8.

Case of Sanitary Inspector Babu Suresh Chandra Lahiri.

(*a*) Will the Government be pleased to state whether it is true that the Rangpur Municipality has been forced to dispense with the services of Babu Suresh Chandra Lahiri, 2nd class Sanitary Inspector, an officer of 13 years' standing?

(*b*) Is it a fact that this officer was recommended by the municipality to be promoted to the first grade in order that his services could be retained?

Questions and Answers.

(*c*) Is it a fact that some of the other municipalities of the division have been allowed, contrary to the rules, to appoint 2nd class Inspectors?

(*d*) If the facts are as stated above, are the Government considering the desirability of reconsidering the case of Babu Suresh Chandra Lahiri?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) and (*b*) The Rangpur Municipality is required to appoint a 1st class Sanitary Inspector. Babu Suresh Chandra Lahiri qualified as a 2nd class Sanitary Inspector in 1913, and the Municipal Commissioners recommended in October, 1917, that, in consideration of his past services, he should be promoted to the 1st class. The Sanitary Commissioner was unable to accept their recommendation, as the officer in question does not possess the qualifications necessary for a Sanitary Inspector of the 1st class. Government are not aware whether the municipality has dispensed with his services.

(*c*) No.

(*d*) This question does not arise."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 9.

Training of Health-Officers and Sanitary Inspectors.

(*a*) Is it a fact that the arrangement for the training of Health Officers and Sanitary Inspectors in Calcutta made by the Sanitation Department has been discontinued from this year?

(*b*) Has the arrangement been discontinued permanently or temporarily?

(*c*) If the answer to clause (*a*) be in the affirmative, will the Government be pleased to state why this step has been taken?

(*d*) Are the Government aware that there is a great demand for such officers?

(*e*) Are the Government considering the desirability of continuing the arrangement for the training of these officers?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) No.

(*b*) and (*c*) The question does not arise.

(*d*) Yes.

(*e*) The question does not arise."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 10

Cultivation of cotton in the Presidency of Bengal.

Will the Government be pleased to state what steps are being taken by the Agricultural Department for the cultivation of cotton in the various districts of the Presidency of Bengal?

Answer by the Hon'ble MR. KERR :—

"This year 200 maunds of seed have been imported from other Provinces by the Agricultural Department and supplied on indent to various people in the Presidency. The seed, however, has arrived too late for early sowings.

Questions and Answers.

A selection of varieties of cotton has been sown at the Dacca Agricultural Station with the object of determining their suitability for sowing on high lands.

The district staff of the department has been engaged in growing cotton on small areas in some districts through the agency of the raiyats."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 11.

Will the Government be pleased to lay on the table a copy of the recent orders of Government on the subject of local holidays to be henceforth observed at the Bengal Government offices in Calcutta? Local holidays to be observed in the Bengal Government offices in Calcutta

Answer by the Hon'ble MR. KERR :—

" A copy of the orders referred to is laid on the table."

Orders referred to by the Hon'ble MR. KERR *in his answer to question No. 11 (starred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council meeting of the 3rd July, 1918.*

No. 4428 Mis., dated Calcutta, the 16th May, 1918.

Memo. by—H. P. V. TOWNEND, ESQ., I.C.S., Under-Secretary to the Government of Bengal, Financial Department.

THE Governor in Council is pleased to direct that the days noted in the margin, which are local holidays in the district of the 24-Parganas, shall also be observed as local holidays in all Government offices located in Calcutta, with the exception of the offices of the Collector of Customs, Calcutta, and the Collector of Stamp Revenue, Calcutta.

Names of local holidays	Number of days	Time
Rath Jatra ...	1	June or July
Punar " ...	1	June or July
Baruni ...	1	March or April.
Sivaratri ...	1	February or March.
Kartik Puja ...	1	November

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 12.

(*a*) Will the Government be pleased to furnish full particulars about the inquiry on the Damodar Reservoir Survey? The Damodar Reservoir Survey.

(*b*) Has the Special Officer, Mr. Glass, arrived at a final decision in regard to the selection of sites at the upper reaches of the Damodar near Barakar?

Answer by the Hon'ble MR COWLEY :—

" (*a*) and (*b*) A copy of a note on the preliminary stage investigations for the proposed flood-controlling reservoir on the Barakar river by Mr. E. L. Glass, Executive Engineer on special duty, is placed on the table in the library."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 13.

Will the Government be pleased to state the amount actually spent up to the 31st March, 1918, out of the provision of 2½ lakhs allotted for the Damodar project? Expenditure on the Damodar project.

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

"Rupees 2,38,739, subject to any further adjustments on account of land charges in the supplementary accounts for March 1918."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 14.

Lower reaches of the Damodar River.

Will the Government be pleased to state what progress has been made in the improvement of the lower reaches of the Damodar in the matter of the retirement of the Baxi *khal* and the excavation of the Ghesapati, Gaighata and Hoorhoora *khals?*

Answer by the Hon'ble MR. COWLEY :—

"The retired embankment on the south side of the Buxi *khal* has been completed.

The work in connection with the Ghesapatty *khal* has been very nearly completed.

No excavation or improvement in the Gaighatta *khal* is contemplated.

Arrangements for the acquisition of land required in connection with the improvement of the Hoorhoora *khal* are in progress; the land has been demarcated; and estimates for acquisition are awaited from the Collectors of the districts concerned."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 15.

Mitigating the effect of floods in the Burdwan Division.

Will the Government be pleased to state what progress has been made and the work done this year, in connection with the projects for mitigating the effect of floods in the Burdwan Division, and the amount actually spent up to May, 1918, under each of the following heads :—

(*i*) improvement of the Baxi and Ghesapati *khals*, out of the sanctioned amount of Rs. 50,000;

(*ii*) raising the Ajai embankments for the prevention of floods, out of the sanctioned amount of Rs. 50,000; and

(*iii*) Hoorhoora *khal* scheme, out of the sanctioned amount of Rs. 1,50,000 as provided in the current year's Budget?

Answer by the Hon'ble MR. COWLEY :—

"(*i*) A sum of Rs. 11,216 has been expended in 1918-19 up to the end of May. As already stated in answer to question No. 14, the retired embankment on the south side of the Buxi *khal* has been completed, and only a small amount of work remains to be carried out in connection with the improvement of the Ghesapatty *khal*.

(*ii*) The raising of the Ajai embankment has been practically completed. The expenditure during 1918 up to the end of May has been Rs. 874; but further payments have yet to be made on account of work done.

(*iii*) No expenditure has yet been incurred in regard to the scheme of improvement for the Hoorhoora *khal*. As already stated arrangements are in progress for the acquisition of land; and the work of excavation will be started as soon as possession has been obtained."

Questions and Answers.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR:—

*16.

Will the Government be pleased to state what action is proposed to be taken on the result of the recent inspection of Mr. Addams-Williams in connection with the Damodar floods? **Result of the recent inspection by Mr. Addams-Williams in connection with the Damodar floods.**

Answer by the Hon'ble MR. COWLEY:—

"The orders of the Chief Engineer in the Irrigation Branch have already been passed on each paragraph of the inspection note of April-May, 1918."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR:—

*17.

Are the Government considering the advisability of— **The Damodar floods.**

(i) arranging for communicating flood-warnings to the affected area on the right side of the Damodar on receipt of telegrams by the Public Works Department officers from Raniganj;

(ii) providing for boats in the flood-affected area to give shelter to the villagers at the time of high floods;

(iii) raising and widening the crests of the right embankment, or at least at the places where it passes by the village sites, to give shelter to the people during the high flood;

(iv) opening a temporary Public Works Department office at a centrally situated place in the spill area to examine the condition of the villagers, the action of the flood water and the obstruction of the drainage;

(v) closing of the spill channels formed on either side of the Begua river, the existence of which causes immense trouble to the villagers; and

(vi) providing reserved drinking water tanks in each village within the spill area, for want of which, and owing to pollution by flood water, cholera breaks out in the affected area?

Answer by the Hon'ble MR. COWLEY:—

"(i) Arrangements have been made for communicating flood-warnings to the affected area on the right side of the Damodar immediately on receipt of warnings from Raniganj.

(ii) No provision for boats in the flood-affected areas has been made by the Public Works Department.

(iii) It is not advisable to raise or widen the crest of the right embankment generally; the question of providing refuge mounds is under the consideration of the Public Works Department. Estimates for the erection of these refuge mounds are under preparation.

(iv) It is not considered necessary to open a Public Works Department office in the spill area. One Sub-Overseer, with gauge readers to help him, has been posted on the right bank of the Damodar near the Begua breach for the observation of flood levels.

(v) The question of the closing of the spill channels on either side of the Begua river has been fully considered, and it has been decided that no good can be derived from the closing of such channels.

(vi) The provision of reserve drinking water tanks in each village within the spill area has not been considered by the Public Works Department."

Questions and Answers.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 18.

Formation of standing committee in connection with the Damodar Basin.

(*a*) Will the Government be pleased to state what steps have been taken regarding the formation of the standing committee of officials and non-officials for the districts in the Damodar Basin, in accordance with the terms of the Resolution No. 16 moved by me at the meeting of the Council held on the 19th February, 1918?

(*b*) Has the list of the names of landholders been revised accordingly?

Answer by the Hon'ble MR. COWLEY —

"(*a*) and (*b*) The attention of the Commissioner of Burdwan has been drawn to the Resolution of the Government of Bengal, Public Works Department, Irrigation Branch, of the 3rd July, 1906, and he has been requested to revise the list of non-official members appointed to act as members of the standing committee for the districts in the Damodar basin. The revised list of names of non-official members proposed by the Commissioner has not yet been received."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 19.

Holidays observed in 1916 and 1917 in the different departments of the Bengal Secretariat.

Will the Government be pleased to state which holidays were observed as "closed holidays" during 1916 and 1917 in the different departments of the Bengal Secretariat?

Answer by the Hon'ble MR. KERR —

"A statement giving the information asked for is laid on the table."

Statement referred to by the Hon'ble MR. KERR *in his answer to question No. 19 (starred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council meeting of the 3rd July, 1918, showing the holidays observed as "closed holidays" in the different departments of the Bengal Secretariat in 1916 and 1917.*

Name of holidays.	NUMBER OF DAYS OBSERVED AS "CLOSED HOLIDAYS" IN THE DEPARTMENTS.											
	Chief Secretary's office.		Financial Department.		General Secretariat		Revenue Department.		Public Works Department.		Legislative Department.	
	1916	1917	1916.	1917	1916.	1917.	1916.	1917	1916	1917	1916.	1917.
New Year's Day	1	1	1	1	1	1	1	1	1	1	1	1
Sri Panchami				..					1	1	..	..
Dol Jatra		..	..	..	..					1	..	..
Good Friday	1	1	1	1	1	1	1	1	1	1	1	1
Easter Saturday					..				1	1		..
Easter Monday			..	..					1	1	..	
King Emperor's Birthday	1	1	1	1			..	1	1	1	1	1
Durga and Lakshmi Puja			..	..	..				6	6	..	..
Muharram					..				1	1		
Kali Puja		..		..	..	..			1	1	..	
Jagadhatri Puja				..	..				1	1		..
Our Day (in 1917)			..	..	..			1	..			..
X'mas Day	1	1	1	1	1	1	1	1	5	5	1	1
Total	4	4	4	4	4	4	3	5	20	21	4	4

Questions and Answers.

UNSTARRED QUESTIONS.

The answers to the following unstarred questions were laid on the table :—

By the Hon'ble BABU SURENDRA NATH RAY :—

I.

Will the Government be pleased to state when the report of the Rowlatt Committee will be published for the information of the public? Publication of the report of the Rowlatt Committee

Answer by the Hon'ble MR. KERR :—

"The report was submitted to the Government of India who appointed the Committee and not to the Government of Bengal. The publication of the report rests with the Government of India, and it is understood that it will be issued immediately."

By the Hon'ble BABU SURENDRA NATH RAY :—

II.

(*a*) Will the Government be pleased to state whether any steps have been taken for the appointment of non-official visitors to look into the condition of political *détenus*? Appointment of non-official visitors for political *détenus*

(*b*) Will the Government be pleased to publish the names of the persons, if any, who have been appointed as such non-official visitors?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) The Hon'ble Member is referred to the answer given to unstarred question No. XXXVIII.

By the Hon'ble BABU SURENDRA NATH RAY :—

III.

Will the Government be pleased to lay on the table all the papers in connection with the trial of the *détenus* in the Char Lawrence case? Papers in connection with the trial of the *détenus* in the Char Lawrence case.

Answer by the Hon'ble MR KERR :—

"It is not understood to what paper other than the judicial record the Hon'ble Member refers."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

IV.

(*a*) Is it a fact that the governing body of the Dacca College has recommended to the Government to increase the tuition fee of the college students from Rs. 6 to Rs. 9 per month? Increase of the tuition fee in the Dacca College.

(*b*) Are the Government aware that the report of the proposed increment has greatly exercised the minds of the people of Dacca and neighbouring districts?

Questions and Answers.

(*c*) Is it a fact that Dacca College is the only institution in East Bengal where almost all the higher branches of studies in science and arts are taught?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Yes.

(*b*) Government are aware that the proposal has been received with some dissatisfaction.

(*c*) Dacca College offers greater facilities for education in arts and science than any other college in Eastern Bengal."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

V.

...se in the price ...cloth.

(*a*) Are the Government aware that acute sufferings have been caused to the people by the present scarcity of clothes and the consequent abnormal rise of prices of the same?

(*b*) Are the Government considering the desirability of taking steps for the extensive cultivation of cotton in the province with a view to facilitating the development of the indigenous system of spinning and weaving?

(*c*) Will the Government be pleased to state whether it is in their contemplation to advise local bodies to take steps for the extensive cultivation of cotton?

Answer by the Hon'ble MR. KERR :—

" (*a*) Yes; it is unfortunately the case that the prevailing high prices of cloth are causing considerable distress.

(*b*) and (*c*) This subject is receiving the careful consideration of Government. A meeting of the Provincial Agricultural Association to which representatives of all districts have been invited has been fixed for the 4th July. The members have been asked to prepare themselves to discuss this subject, and on receiving the recommendations of the Association Government will decide what action should be taken."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

VI.

(1) Advisory Committee to report upon cases of political prisoners. (2) Appointment of non-official visitors to visit political prisoners.

Will the Government be pleased to state when they propose to give effect to the resolution moved in the Imperial Legislative Council by the Hon'ble Babu Surendra Nath Banerji and accepted by the Government of India on the 19th of March last—

(*a*) for the appointment of an Advisory Committee to inquire into and report upon the cases of those detained under the Defence of India Act, 1915, and Bengal Regulation III of 1818; and

(*b*) for the appointment of non-official visitors to visit détenus and report upon their grievances, if any?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(a) and (b) The Hon'ble Member is referred to the answer given to unstarred question No. XXXVIII"

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

VII.

(a) Will the Government be pleased to state how many estates of a rent roll of over Rs. 50,000 are now being managed by the Court of Wards? Appointment of officers to manage estates under the Court of Wards.

(b) In how many of them have officers lent by the Government been employed?

(c) What are the qualifications of those who are not Government servants, and their pay and allowances?

(d) Will the Government be pleased to state whether more officers of the Provincial Executive Service with practical experience of revenue administration and survey and settlement works can be spared for such appointments in future?

(e) In view of the extended operation of survey and settlement works under the Bengal Tenancy Act in most of the Bengal districts, are Government prepared to lay down that only officers with knowledge of law and practical experience in revenue administration, should be employed in such capacities?

(f) Will the Government be pleased to state whether any rules exist governing these appointments?

(g) If not, will the Government be pleased to state whether they are considering the advisability of formulating definite rules in regard to these appointments?

(h) Are these appointments advertised before any selection is made?

Answer by the Hon'ble MR KERR :—

"(a) Twenty-four.

(b) Five.

(c) The qualifications, pay and allowances of managers who are not Government servants are shown in the attached table.

(d) In existing circumstances, it is not possible to spare experienced Deputy Collectors for work under the Court of Wards.

(e) There is no necessity to lay down any hard and fast rule. Knowledge of law and practical experience of revenue or zamindari work are considered necessary qualifications for such appointments.

(f) No; the Court of Wards maintains a list of qualified candidates and, being responsible for the management of wards' estates, makes any such appointment from such applicants as seem to be best suited, having regard to the special requirement of the estate.

(g) Government are not prepared to interfere with the discretion of the Court of Wards.

(h) Occasionally."

Table referred to by the Hon'ble MR. KERR *in his answer to question No. VII(c) (unstarred) asked by the Hon'ble* RAI SRI NATH RAY BAHADUR *at the Council meeting of the 3rd July, 1918.*

Name of estate.	Name of Manager and Assistant Manager.	Qualification.	Pay.	Allowance.
			Rs.	
Nayabasan (Midnapore)	Babu Sudhansu Mohan Dutta.	Zamindari Managers possessing in nearly all cases practical experience over a long period of years.	150	
Boinchi B. L. Mukherji Trust Estate, Hooghly.	Babu Keshav Chandra Raha.		150	Fixed travelling allowance of Rs. 50 and house allowance of Rs. 20 per mensem.
Gobardanga and Gopal Chandra Mukherji Estates, 24-Parganas.	Babu Harish Chandra Bal		175	
Tagore Wards' Estate and Panihati Estates.	Babu Khagendra Nath Banerji.		200	
Janbazar Wards No. I ...	Babu Manamohan Dutta, B.L.		300	Draws Rs. 25 as guardian to the minor male ward.
Kasimbazar Wards ...	Babu Jogendra Nath Mukherji, B.L.		200	Rs. 40 house allowance *plus* Rs. 40 carriage allowance.
Syedpur Trust Estate ...	Babu Girindra Mohan Chatterji.		200	House allowance Rs. 25.
Nawab family estates in Dacca.	H. C. F. Meyer, Esq. ...		1,500	Free quarters.
Bhawal Raj ...	F. W. Needham, Esq. (Manager).		1,500	Ditto.
Ditto ...	Babu Rajendra Chandra Nag, Assistant Manager.		250	Ditto.
Golakpur, Sherpur and Karotiya.	E. Bignold, Esq. (General Manager), Mymensingh.		700	
10 Wards, etc., estates in Bakarganj.	Babu Shyama Charan Chakrabarty (General Manager).		350	House allowance Rs. 35.
Wards Estates in Chittagong.	Babu Upendra Mohan Dutta (General Manager).		250	
Bhukailas No. 1 ...	Babu Anukul Chandra Roy, B.A.		250	House allowance Rs. 25 and horse allowance Rs. 30 per mensem.
Sarail (Kasimbazar, Tippera).	M. M. Haliday, Esq. ...		700	
Ditto ditto	Babu Satish Chandra Ghosh, Assistant Manager.		100	
Janbazar No. II (Dinajpur portion).	Babu Matangi Charan Chakraverty.		200	
Churaman	Babu Ramesh Chandra Das, B.L.		200	

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

VIII.

[illegible] the price [illegible] (*a*) Are the Government aware that the price of cloth has risen so high that it is causing the greatest hardship to the people?

(*b*) Has the attention of the Government been drawn to the opinion that has been expressed that the revival of the *charka* will enable the country to

Questions and Answers.

depend more upon its own resources and will to a certain extent obviate the necessity of importation of cloth from foreign countries?

(c) What steps, if any, are the Government taking to revive the *charka* and introduce it on a large scale in the country?

(d) Has the attention of the Government been drawn to the opinion that has been expressed that the cultivation of cotton is essentially necessary for solving the cloth problem?

(e) What steps, if any, are the Government taking to encourage, facilitate, and introduce the cultivation of cotton in Bengal?

(f) Have the Government considered the advisability of starting hand-spinning and hand-weaving classes in all Government girls' schools and Government aided girls' schools?

Answer by the Hon'ble MR. KERR :—

"(a) Government are aware that the present price of cloth is abnormally high.

(b) Yes.

(c) The subject will be considered by a meeting of the Provincial Agricultural Association fixed for the 4th July, and, on receiving the recommendations of the Association, Government will decide whether any action should be taken.

(d) and (e) The Hon'ble Member is referred to the reply to the question asked on this subject by the Hon'ble Rai Sri Nath Ray Bahadur at this meeting of the Council.

(f) No."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

IX.

Are the Government considering the desirability of introducing the boy-scout movement or of forming cadet corps in all schools? Boy-scout movement and formation of cadet corps in schools.

Answer by the Hon'ble MR. O'MALLEY :—

"The Hon'ble Member is referred to the reply given to question No. VII asked by the Hon'ble Babu Bhabendra Chandra Ray at the Council meeting held on 19th February, 1918. Since then a governing body has been formed to guide and control the boy-scout movement, and further experience must be gained before Government can consider the suggestion contained in the question. Government have no intention at present of forming cadet corps in all schools."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

X.

(a) Is it a fact that on the 28th March last, Babu Chuni Lal Mukherji, Sadar Subdivisional Officer of Faridpur, ordered a constable to pull one Akhiladdi by the ear when the latter was giving evidence before him (the Subdivisional Officer) in the case of Joynalkhatum *versus* Maijuddi and that the constable actually pulled him by the ear in the witness box in open court? Alleged disorderly acti[on] of a constable [to] a witness.

(b) If so, what action have the Government taken or are they taking in the matter?

(c) Are the Government considering the advisability of directing the aforementioned Babu Chuni Lal Mukherji to make suitable reparation to the said witness Akhiladdi?

Answer by the Hon'ble MR. DUVAL:—

"(a) Yes. Akhiladdi was a witness in a murder case, in which it was believed that one of the principal accused was being kept in concealment by her husband and his friends, and all attempts to discover her had been unsuccessful. Akhiladdi doggedly refused to answer questions put to him in the witness box, and the Subdivisional Officer, in order to obtain a reply, directed the constable to pull his ear: this the constable did.

(b) and (c) On the day after the incident the Subdivisional Officer went to see the District Magistrate and expressed regret for what he had done. His action was, of course, improper, and he has been informed of the view taken of it by Government. He seems, however, to have acted hastily in a sudden fit of annoyance, and in all the circumstances, Government do not propose to take further action in the matter."

By the Hon'ble BABU AKHIL CHANDRA DATTA:—

XI

Alleged torture of a political prisoner.

(a) Is it a fact that Babu Arun Chandra Guha, B.A., a State prisoner at Hazaribagh, submitted a petition in November, 1916, to the Additional Secretary to the Government of Bengal, in which he complained that he was tortured on his way to the Kyd Street police-station after his arrest so severely that he passed excreta in his cloth?

(b) Is it a fact that in the said petition Babu Arun Chandra Guha also complained that for five days he was kept in a standing posture all the 24 hours of the day?

(c) Is it a fact that in the said petition he further complained that he was forced to make some statements which he, in the first instance, refused to make but which he had to make later on to avoid torture?

(d) Was any inquiry made into the said allegations?

(e) If so, who made the inquiry and when?

(f) Will the Government be pleased to lay on the table the result of the said inquiry?

(g) Was any action taken in consequence of the inquiry?

(h) Is it a fact that he was confined in a solitary cell for one month in the Presidency Jail, the dimensions of the cell being 3 yds. × 3½yds. × 3½ yds?

(i) Is it a fact that the said cell had no window?

(j) Is it a fact that he had to answer calls of nature in the day time in the said cell?

Answer by the Hon'ble MR. KERR:—

"(a) to (j) Arun Chandra Guha, a State prisoner, submitted a petition to Government in November, 1916, containing allegations of ill-treatment at the hands of the police. These allegations were inquired into by Government, and a report was submitted to the Government of India in February, 1917, that the charges were entirely false and without foundation, a finding with which the Government of India concurred. The allegations again formed part of the subject-matter of an inquiry recently held by the Hon'ble Mr. Stevenson-Moore and the Hon'ble [illegible] Mitter, who declared the allegations quite unfounded."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Case of Jatin Roy, political *détenu*.

XII.

(*a*) Is it a fact that Jatin Roy *alias* Fega, who was put on trial as one of the accused in the Barisal conspiracy case and was sentenced to four years' hard labour, was re-arrested and interned under the Defence of India Act, 1915, immediately after his release from the jail after serving out his term of imprisonment?

(*b*) Was any charge formulated against Jatin Roy in writing?

(*c*) Was he furnished with any statement of the evidence which the police had against him?

(*d*) Was he asked to make a written statement in answer to the charge which was laid to his door?

(*e*) Was he given time and opportunity to prove his defence?

(*f*) Who passed the order of internment in this particular case?

(*g*) Will the Government be pleased to state the date of his release from the jail, the date on which the order of internment was passed against him, the date on which the said order was received by the Superintendent of Police, Bakarganj, and the date on which the order was served upon him?

Answer by the Hon'ble MR. KERR :—

"Jatin Ray *alias* Fega was sentenced to 12 years' rigorous imprisonment in the Barisal conspiracy case. As an act of clemency Government reduced the sentence to 4 years' rigorous imprisonment. He was released on the 21st January, 1918, and was immediately served with an order of Government interning him in his own home pending the production of sureties for his future good behaviour. He was interviewed before his release; no charges in writing were put to him."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

Number of insanes amongst *détenus*.

XIII.

Will the Government be pleased to state—

(*i*) how many interned and deported persons have become insane;

(*ii*) how many of them have committed suicide; and

(*iii*) how many have died in consequence of diseases contracted after internment and deportation;

together with the names of those persons?

Answer by the Hon'ble MR. KERR :—

"(*i*) State prisoners—

(*a*) Jyotish Chandra Ghosh, the facts of whose case have already been given in this Council.

(*b*) Noni Gopal Sen Gupta, who had suffered from religious delusions since his childhood, was reported to have developed suicidal tendencies in March, 1917. In September, 1917, he was released from jail and domiciled with his father-in-law under the Defence of India Rules.

(*c*) Ratan Singh was reported to be showing signs of insanity in June, 1916; he was released from jail and sent to his home.

(*d*) One other State prisoner has been under observation.

Questions and Answers.

Détenus—

(*a*) Priya Sankar Sen was arrested on the 27th March, 1916. In April, before orders had been passed in his case, a report was received from the jail authorities that he showed signs of madness. Orders of internment were never, therefore, issued and he was released. Subsequently, under orders of the Additional District Magistrate, 24-Parganas, he was sent as a lunatic to the Berhampore Asylum.

(*b*) Dasarathi Mukherji was interned in his own home in September, 1916; a year later a local practitioner, under whose treatment he was, submitted a certificate that he was suffering from neurasthenia caused in his opinion by worry and sexual excess, and this had affected his brain. His relatives declined to send him to a hospital, but he was released from domiciliary orders.

(*c*) Nibaran Chandra Chakrabartti was interned in June, 1917. A month later it was reported that he had become insane after an attack of fever. He was domiciled with his relatives but at the end of August he was reported to have developed into a dangerous lunatic; the orders under the Defence of India Rules were cancelled, and he was dealt with by the District Magistrate under the Lunacy Act.

(*d*) W. T. Floyd, who was interned at Kalimpong, was recently reported to have developed religious mania and was sent to an Asylum for treatment.

(*e*) Khemendra Dastidar, who was interned in June, 1917, in the Rajshahi district, recently developed religious hallucinations; he was then domiciled under the care of his relatives.

Besides these persons named Mohendra Chandra Das, who was detained under the Ingress into India Ordinance, has been declared insane and sent to the Berhampore Lunatic Asylum.

(*ii*) One State prisoner, Rasik Sarkar, committed suicide recently in the Rajshahi Jail. Two *détenus*, Surendra Nath Kar and Hari Charan Das, committed suicide while interned; the facts of their cases have already been given in Council.

(*iii*) No State prisoners have died of disease. The following *détenus* have died during internment :—

(*a*) Keshab Lal Dey, died of typhoid fever.

(*b*) Jatindra Chandra Roy and Dhirendra Mohan Mukherji, died of cholera.

(*c*) Sarada Kanta Mitra, died of fever.

(*d*) Manindra Nath Sett, died of phthisis."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XIV.

Number of persons detained under the Defence of India Act and Bengal Regulation III of 1818.

Will the Government be pleased to state the number of persons now detained under the Defence of India Act, 1915, and Bengal Regulation III of 1818, respectively?

Answer by the Hon'ble MR. KERR :—

" On the 25th June, 1918, there were 722 persons detained in Bengal under the Defence of India Act and 97 under Bengal Regulation III of 1818."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XV.

(*a*) Will the Government be pleased to state whether there is any foundation for the rumour that some *purdanashin* ladies are under detention under the Defence of India Act, 1915, and Bengal Regulation III of 1818?

Number of *purdanashin* ladies detained under the Defence of India Act and Bengal Regulation III of 1818.

(*b*) If so, how many?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) No *purdanashin* woman has been so restrained."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XVI.

Are the Government considering the advisability of having the Bengal Village Self-Government Bill, which was introduced into this Council in March last, translated into Bengali, and of distributing the translation amongst the members of the Village Panchayats?

Publication and distribution of the Bengal Village Self-Government Bill in the vernacular.

Answer by the Hon'ble MR. O'MALLEY :—

"The Village Self-Government Bill has been translated into Bengali and it is proposed shortly to publish it in three Bengali newspapers. Government will be prepared to supply copies of the translation if applied for by village panchayats through the district officer."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XVII.

(*a*) Are the Government aware that it has been reported that cases have occurred of people committing suicide owing to their inability to purchase cloth?

Alleged cases of suicide owing to inability to purchase cloth.

(*b*) Have any inquiries been made into the truth or otherwise of these reports?

(*c*) If so, will the Government be pleased to publish the results of these inquiries?

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes.

(*b*) and (*c*) Inquiries have been made in Howrah, Midnapore and Bakarganj into specific cases which were reported in the Press. Only one case has been authenticated. It is reported that one Nur Bux, of Keoradagi, in Bakarganj, hanged himself on the 23rd March because he was unable through poverty to purchase clothes for his wife. In the other cases, the reports which appeared in the newspapers proved on inquiry to be unfounded."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XVIII.

(*a*) Are the Government aware that no Hindu, belonging to the district of Noakhali, has been appointed to the Provincial Executive Service since the nomination system was introduced?

Appointments to the Provincial Executive Service from Hindus in the district of Noakhali.

(*b*) Are the Government also aware that there have been suitable and qualified Hindu candidates from Noakhali who could have been appointed to these posts?

Questions and Answers.

(*c*) Are the Government aware of a feeling of dissatisfaction amongst the Hindus of Noakhali on the ground that they have not hitherto received any share in appointments to the Provincial Executive Service?

(*d*) Are the Government considering the desirability of issuing orders that in future the claims of the Hindu community of Noakhali may be considered and that the rules prescribed by the Government for "securing a fair share of appointments to each important section of the community" may be given effect to?

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes.

(*b*) No Hindus belonging to the district of Noakhali have been nominated by the Commissioner for the Provincial Civil Service since 1905. Four candidates have been nominated for the Subordinate Civil Service, and three have been given appointments. The same minimum qualifications are prescribed for both services.

(*c*) Government have no information on the point, but no definite principle that appointments must be allotted in rotation by districts has ever been admitted.

(*d*) This question and answer will be communicated to the Commissioner, but the Hindu population of Noakhali cannot be regarded as a separate section of the community for the purposes of the rules which, subject to the due representation of various classes in the public service, contemplate the selection of the best candidates in the division, irrespective of the particular districts from which they come."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XIX.

(*a*) Are the Government aware that there are no pasture lands in the villages adjoining the reserved forests in the Cox's Bazar subdivision in the district of Chittagong?

(*b*) Is it a fact that the inhabitants of those villages are all agriculturists and tenants of the Government *khas mahal*?

(*c*) Are the Government aware that from the 19th September, 1916, to the 29th May, 1918, 572 persons have been convicted in the Cox's Bazar subdivision for allowing their cattle to enter the reserved forests and for entering the forest for gathering fuel for domestic use, and that out of them 529 persons have been sentenced to an aggregate fine of Rs. 4,485-2 and 43 persons suffered rigorous imprisonment for different periods?

(*d*) Are the Government considering the advisability of setting apart a sufficient quantity of pasture land in every village in the Government *khas mahal* in Cox's Bazar subdivision, free of charge, for the grazing of cattle?

(*e*) Have the Government considered the advisability of removing the present boundary lines of the reserved forest towards the interior of the forests and of keeping a sufficiently large space of land for grazing purposes between the villages and the reserved forests?

(*f*) Are the Government considering the advisability of issuing passes for the grazing of cattle and for the gathering of fuel in favour of *families* instead of *individuals*?

(*g*) Are the Government also considering the advisability of issuing free passes for fuel for home consumption to such poor people as are unable to pay the prescribed rate?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (*a*) There are certain villages in the Cox's Bazar subdivision of the Chittagong district for which sufficient pasture ground is not available outside the reserved forest. In such cases the villagers are authorised to graze cattle in the forest on taking out the prescribed passes.

(*b*) The inhabitants of these villages are mostly agriculturists and tenants of the Government estate.

(*c*) Between the 19th September, 1916, and the 29th May, 1918, 88 persons were convicted of offences in connection with the pasturing of cattle or buffaloes in the forest reserve; 2 were imprisoned and 86 were fined Rs. 1,380; 91 persons were convicted for the illicit removal of firewood, of whom 3 were imprisoned and 88 were fined Rs. 529; 382 persons were convicted for illicit removal of bamboos and timber and for other breaches of forest regulations.

(*d*) to (*g*) The charges for grazing cattle and cutting firewood in the Chittagong reserved forests are already very low. An annual payment of 12 annas entitles a cultivator to graze 6 cattle in the forest and to take firewood for his domestic use. No further concessions appear to be called for in regard to the grazing of cattle and removal of firewood."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XX.

(*a*) Is it a fact that State prisoner Mahendra Das was kept in a solitary cell in the Presidency Jail? Case of State prisoner Mahendra Das.

(*b*) Is it a fact that he has become a lunatic and has been transferred to the Berhampore Lunatic Asylum?

Answer by the Hon'ble MR. KERR :—

" Mahendra Das was interned under the Ingress into India Ordinance in the Presidency Jail. He was not kept in solitary confinement but associated with the " Y " class prisoners. Orders were passed on the 6th May, 1918, domiciling him outside a jail but the Superintendent of the Jail reported that he was not fit to go and suggested that he should be placed under observation. The orders of domicile were, therefore, cancelled and he was sent to the Berhampore Asylum for observation. He has since been certified to be a lunatic and has been detained in the Asylum."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXI.

Is it a fact that State prisoner Narendra Nath Sen is confined in a solitary cell in the Presidency Jail and that he is showing symptoms of insanity? Case of State prisoner Narendra Nath Sen.

Answer by the Hon'ble MR. KERR :—

" Narendra Sen is confined as a State prisoner in the Presidency Jail. He is not in solitary confinement, and details of the system adopted in respect of such prisoners have on a previous occasion been explained in the Legislative Council. His mental condition has been under observation."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXII.

(*a*) Is it a fact that the Kutubdia *détenus*, who have been tried by the Special Tribunal at Chittagong, on several occasions petitioned various Government officials for redress of grievances in respect of water-supply, irregularity of payment of allowance, want of winter clothing and other matters? The case of the Kutubdia *détenus*.

Questions and Answers.

(*b*) Is it a fact that in April last, on their way back from Calcutta, they were subjected to ill-treatment and oppression?

(*c*) Is it a fact that on previous occasions they had been ill-treated by constables?

(*d*) Is it a fact that certain instructions, which the accused in what is known as the "Char Lawrence case" had written out for their Counsel, were intercepted by the police?

(*e*) What action, if any, have the Government taken in the matter?

Answer by the Hon'ble MR. KERR:—

"(*a*), (*b*) and (*c*) The *détenus* domiciled at Kutubdia have not submitted any representation to Government on the matters referred to. They have from time to time brought certain alleged grievances to the notice of the local officials, who have inquired into them. These grievances have been repeated in a recent trial and have been examined by the Tribunal, who have found that there is no real substance in them. If responsible and properly authenticated statements are furnished regarding the allegations contained in (*b*) and (*c*), doubtless a more specific reply can be given if need be, after inquiry into any such charges.

(*d*) and (*e*) It is understood that when the defence pleaders interviewed in jail the accused referred to and obtained their instructions for their defence, they requested the accused to send their written statements. These statements were sent by the assistant jailor with the escort in a cover addressed to the court sub-inspector for the Superintendent of Police, whose duty it is in the ordinary course to censor all letters written by the accused before despatch The court sub-inspector received the cover, and after reading the assistant jailor's covering note, sent the papers to the Superintendent of Police for his orders. The Superintendent of Police at once passed them and sent them back to the Court, but the defence pleaders declined to receive them. The procedure was in accordance with the present routine, and Government do not propose to take any action in the matter."

By the Hon'ble BABU AKHIL CHANDRA DATTA:—

XXIII.

Transfer of the Guru-Training School of Sarail to Brahmanbaria.

(*a*) Is it a fact that the Guru-Training School of Sarail has been transferred to Brahmanbaria?

(*b*) If so, what is the reason for the transfer?

(*c*) Will the Government be pleased to state the estimated expenditure involved in the transfer?

Answer by the Hon'ble MR. O'MALLEY:—

"(*a*) No. The school has been removed temporarily to Comilla and will be transferred to Brahmanbaria when the buildings required have been constructed.

(*b*) The transfer has been decided on for the following reasons. The school at Sarail was built for only 20 gurus and has no accommodation for the head master, whereas under the scheme for guru-training schools approved by Government there should be class and hostel accommodation for 40 gurus besides quarters for the head master. The site at Sarail is moreover small, there being not enough space for drill, while extension is impossible. Sufficient space will be available at Brahmanbaria, where the guru-training school will also have the advantage of being under the direct supervision of

Questions and Answers.

the Deputy Inspector and Sub-Inspector of Schools and of being able to draw on more local schools for teachers to train.

(*c*) The estimated cost of the land is Rs. 3,859 and of the buildings Rs. 29,700."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXIV.

(*a*) Are the Government aware of the existence of a strong feeling that the Munsif's courts at Kasba in the district of Tippera should not be abolished and that the jurisdiction of the said courts, as it now stands, after the transfer of forty villages to the Sadar subdivision by the Government Notification No. 890 J., of the 26th February, 1918, should be extended by the inclusion of such new area as may be more suitable for the Kasba chauki than for any other centre? Abolition of t Munsif's cour and chauki at Kasba.

(*b*) Are the Government also aware of a strong feeling that if the abolition of the Kasba chauki be considered unavoidable, the present mutilated area of Kasba should be transferred to the Sadar subdivision in preference to Brahmanbaria or to the new subdivision proposed to be opened?

(*c*) What decision, if any, has been arrived at on this question?

(*d*) Are the Government considering the desirability of consulting public opinion on this question before taking any final steps?

Answer by the Hon'ble MR. DUVAL :—

"(*a*) and (*b*) Government have received no representations in the matter.

(*c*) No decision has been reached; the views of the High Court and the public are awaited.

(*d*) The views of the public on the scheme for the opening of a new subdivision in the Tippera district were invited in the Government memorandum No. 2707 P., of the 4th April last. Any changes that may be made in civil court jurisdiction will be made as part of this scheme and representations in the matter should be submitted at this stage."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

XXV.

(*a*) Will the Government be pleased to state what effect has been given to the Bengal Government, Municipal Department, Notification No. 82 T.—San., dated the 4th October, 1915? Appointment of Health Officers and Sanitary Inspectors.

(*b*) Will the Government be pleased to lay on the table a statement showing—

(*i*) the classes and number of Health Officers and Sanitary Inspectors employed in each of the municipalities of the Rajshahi Division,

(*ii*) when these officers were appointed, and

(*iii*) whether these appointments were made in accordance with the rules prescribed?

Questions and Answers.

(c) If the appointments were not made in accordance with the rules, will the Government be pleased to state the reasons for sanctioning the appointments?

Answer by the Hon'ble MR. O'MALLEY :—

"A statement is laid on the table."

Statement referred to by the Hon'ble Mr. O'Malley in the answers to question No. XXV (unstarred) asked by the Hon'ble Babu Kishori Mohan Chaudhuri.

NAME OF MUNICIPALITY	Class and number of Health Officers and Sanitary Inspectors employed in each Municipality.	When were these officers appointed.	Whether these appointments were made in accordance with the rules prescribed.
1	2	3	4
Rampur Boalia	One second class Sanitary Inspector.	17th December 1917.	Yes.
	One second class Health Officer.	14th May 1917 ...	Do.
Natore ...	One second class Sanitary Inspector.	1st November 1916.	Do.
Dinajpur ...	One second class Health Officer.	1st December 1917.	Do.
Jalpaiguri ...	One second class Sanitary Inspector.	14th March 1914	Do.
Rangpur ..	One first class Sanitary Inspector.	3rd December 1917.	Do.
Bogra ...	One second class Sanitary Inspector.	27th July 1917	Do.
Pabna ...	One second class Sanitary Inspector.	2nd January 1917.	Do.
Sirajganj ...	One second class Sanitary Inspector.	1st May 1917 ...	Do.
English Bazar	One second class Sanitary Inspector.	April 1917 ..	Do.
Nawabganj ...	One second class Sanitary Inspector.	3rd August 1916	Do.

By the Hon'ble MR. H. R. A. IRWIN :—

One-rupee notes.

XXVI.

(a) Are the Government aware that in some mufassal districts *modis* and *beparees* (shop-keepers and traders) are charging one and two pice discount for taking one-rupee notes in exchange for merchandise?

(b) Are the Government also aware that in some cases they are refusing to sell merchandise in exchange for one-rupee notes?

Questions and Answers.

(c) Are the Government aware that this is causing great hardship to the poorer classes?

(d) Will the Government be pleased to state whether they are considering the desirability of instructing District Officers to take such steps as may be deemed advisable to put a stop to the practice?

Answer by the Hon'ble MR. KERR:—

"(a) to (d) The custom of charging a small discount for changing either notes for larger amounts or silver rupees, unfortunately prevails in regard to notes generally, although doubtless in respect of notes of so small a denomination as one rupee it especially hits the poorer classes. There have also been reports as to the unpopularity of recent issues of small denominations, and possibly they are not yet circulating freely. It is hoped that matters may improve when the novelty of these issues wears off, and the practice of charging discount, which is much to be reprehended, will be discouraged as far as possible."

By the Hon'ble MR. H. R. A. IRWIN:—

XXVII.

Are the Government considering the desirability of drawing the attention of the Government of India to the hardship entailed on men who apply for I. A. R. O. commissions, by— Appointments to the I. A. R. O.

(i) the long delay which invariably occurs after the applications are sent in, in notifying them whether they have been accepted or not, and

(ii) on the other hand, the very short period allowed, after they have been accepted or gazetted, in which to make their final preparations before joining the unit to which they may have been posted?

Answer by the Hon'ble MR. KERR:—

"The Local Government are aware that complaints on these points have been made and have brought the matter to the notice of His Excellency the Commander-in-Chief."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR:—

XXVIII.

Will the Government be pleased to lay on the table a copy of the statement containing the amount of fees realised each year during the last three years from the pilgrims who visited Nabadwip in the district of Nadia under the Puri Lodging-house Act, 1871 (Bengal Act IV of 1871), and further to state how the said sum has been spent? Fees realised from the pilgrims visiting Nabadwip.

Answer by the Hon'ble MR. O'MALLEY:—

"No fees are realised from pilgrims under the Puri Lodging-house Act, 1871 (Bengal Act IV of 1871), but fees are realised from owners of lodging-houses for licenses and Health Officers' certificates. A statement showing the income from fees, fines, etc., under the Act, and the expenditure incurred during the last three years is laid on the table."

Questions and Answers.

Statement referred to by the Hon'ble MR. O'MALLEY *in his answer to question No. XXVIII (unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council Meeting of the 3rd July, 1918, showing the fees and fines realized under the Lodging House Act at Nabadwip and the expenditure incurred from the Lodging House Fund during the last 3 years.*

Year.	Receipts.					Expenditure.					Remarks.
	License fees.	Fees for certificates.	Fines.	Miscellaneous receipts.	Total.	Establishment charges.	Contingent charges.	New works.	Contribution to municipalities.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1915-16 ...	3,298	224	16	45	3,583	(a)1,116	(b) 329	509	(c)2,190	4,144	(a) This includes the pay of the Health Officer, his house rent, the pay of a peon and the pay of the Resident attendant at the cholera ward.
1916-17 ...	3,936	261	26	48	4,271	1,458	333	2,155	1,700	5,646	(b) This includes the wages of extra mehtars and sweepers during the various *melas*, the pay of extra cholera doctors and the cost of stationery, etc., of the Health Officer.
1917-18 ...	3,112	204	44	2	3,362	1,115	314	...	2,000	3,429	(c) This represents contributions to charitable institutions from which pilgrims receive relief, viz., the Nabadwip Garrett hospital, Krishnagar hospital and dispensary, Ranaghat dispensary, the Shevasram and the maternity home for pregnant pilgrims. *N.B.*—The expenditure during each of the last three years was more than the income and was met out of the savings of previous years.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Good drinking water for the benefit of pilgrims visiting Nabadwip.

XXIX.

Will the Government be pleased to state the number and the area of each of the tanks specially reserved for good drinking water for the benefit of the pilgrims who visit Nabadwip?

Answer by the Hon'ble MR. O'MALLEY :—

"No tanks have been specially reserved for the benefit of pilgrims visiting Nabadwip, but one large tank and three masonry wells have been reserved by the Municipality for drinking purposes and are accessible to the pilgrims."

Questions and Answers.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXX.

Will the Government be pleased to lay on the table a copy of the statement containing the amount of license fees realised each year, during the last five years, from the fruit, sweatmeat, etc., vendors at the important railway stations of the Howrah-Amta Light Railway Co., Ltd? Fees realised from fruit vendors, etc., at the important railway stations on the Howrah-Amta Light Railway.

Answer by the Hon'ble MR. COWLEY :—

" A statement is laid on the table."

Statement showing license fees realised from Vendors of Refreshments at stations on the Howrah Amta Light Railway referred in the answer to Question No. XXX (unstarred) asked by the Hon'ble Rai Mahendra Chandra Mitra Bahadur.

NAMES OF STATIONS.	Half-year ending 31st December 1913.	Half-year ending 30th June 1914.	Half-year ending 31st December 1914.	Half-year ending 30th June 1915.	Half-year ending 31st December 1915.	Half-year ending 30th June 1916.	Half-year ending 31st December 1916.	Half-year ending 30th June 1917.	Half-year ending 31st December 1917.	Half-year ending 30th June 1918.
	Rs A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.
Howrah Ghat	143 12	196 8	210 0	210 0	250 0	545 0	658 0	578 0	510 0	400 0
Howrah Maidan	160 0	210 0	...	200 0	210 0	369 0	285 0	268 0	261 0	265 0
Kadomtalla Junction	148 12	397 0	295 0	295 0	300 0	310 0	330 0	334 0	325 0	300 0
Baltikari	6 8	3 0	6 0	6 0	6 0	6 8	6 0	6 0	...	6 0
Bankra	4 0	...	3 0	3 0	6 0	6 0	6 0	6 0	4 0	3 0
Shalap	3 0	3 0	...	3 0	3 0	10 0	5 0	5 4	8 0	8 0
Makardaha	32 0	34 0	18 0	38 0	68 0	159 0	125 0	168 0	140 0	122 0
Domjur	87 0	100 0	106 0	106 0	120 0	126 0	182 0	25 0	70 0	50 0
D[illegible] hinbari	8 0	...	11 0	11 0	11 0	11 0	11 0	11 0	11 8	11 0
Bargachia Junction	61 8	127 0	208 0	208 0	208 0	218 0	180 0	180 0	210 0	201 0
Jagatballabhpur	3 0	3 0	3 0	3 0	3 8	3 8	4 0	3 0	3 0	3 0
Bohanuggurree	3 0	...	...	...	...	3 0	3 0	...	...	...
Jhingrah	3 0	...	...	...	...	3 0	...	...	...	...
Prosadpur	6 0	...	...	...	6 0	6 0	6 0	6 0	4 0	4 0
Jangipara	...	...	...	...	...	6 0	...	...	...	...
Antpur	6 0	6 0	6 0	6 0	6 0	7 0	10 0	6 0	5 8	5 8
Howakhana	...	...	...	...	...	...	...	...	...	...
Piyasara	...	...	...	...	...	...	...	...	...	...
Champadanga	...	...	...	8 0	8 0	4 0	4 0	...	8 0	8 0
Pantihal	...	...	...	...	...	...	...	...	...	...
Munsirhat	18 0	10 8	12 0	12 0	12 0	18 8	12 0	12 0	21 0	18 0
Maju	20 0	20 0	20 0	20 0	26 8	22 0	43 0	66 0	88 0	45 0
Jalalsi...	6 0	...	...	...	...	3 0	...	...	...	...
Panpur	3 0	...	..	...	...	...	...	...	...	...
Amta	3 8	...	...	...	...	...	...	..	...	...
Total ...	726 0	1,110 0	898 0	1,129 0	1,244 0	1,886 8	1,820 0	1,674 4	1,669 0	1,449 8

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXXI.

Will the Government be pleased to state what arrangements have been made by the Howrah-Amta Light Railway Co., Ltd., for the supply of good drinking water to passengers? Good drinking water for passengers travelling by the Howrah-Amta Light Railway.

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

"The information asked for is given in the statement laid on the table."

Statement showing arrangements made by the Howrah-Amta Light Railway Company, Limited, for supply of drinking water to passengers referred in the answer to question No. XXXI (unstarred) asked by the Hon'ble Rai Mahendra Chandra Mitra Bahadur.

Name of stations.	Number of water-men to supply passengers with water.	Number of hydrants for use of passengers.	Number of portable filters for use of passengers.	Number of iron tanks for supply of water to passengers.	Number of earthen gharrahs containing water for passengers.
Howrah Ghat ...	1	1	...	1	...
Howrah Maidan ...	...	1	...	1	...
Kadamtala ...	2	1	...	2	...
Baltikari ...	...	...	...	...	1
Bankra ...	...	...	1	..	4
Shalap ...	...	...	...	...	1
Makardaha ...	1	...	1	...	4
Domjur ...	1	...	...	...	4
Dakhinbari ...	...	...	1	...	4
Bargachia ...	1	...	1	1	4
Jagatballabpur ...	...	...	...	...	1
Echanugguree ...	...	...	...	...	1
Jhingra ...	...	...	...	...	1
Prosadpur ...	...	...	...	...	4
Jangipara ...	...	...	1	...	4
Antpur ...	1	...	...	...	4
Hawakhana ...	...	...	...	...	1
Piyasara ...	...	...	1	...	4
Champadanga ...	1	...	1	1	4
Patihal ...	...	...	...	...	1
Munshirhat ...	1	...	...	1	4
Maju ...	1	...	...	...	4
Jalalsi ...	...	...	...	...	1
Panpur ...	...	...	1	...	4
Amta ..	1	...	1	...	4

NOTE.—At stations where there is no town water-supply the water is drawn from tanks in the neighbourhood of the stations. This source of supply is customary in the neighbourhood.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Sale of the Police Hospital at Amherst Street.

XXXII.

(*a*) Is it a fact that Government are negotiating for the sale of the Police Hospital, Amherst Street, Calcutta?

(*b*) If so, are the Government considering the advisability of advertising the sale of this property?

Answer by the Hon'ble MR. KERR :—

"(*a*) Government are considering an offer made by the Marwari community to purchase the property for the purposes of a charitable hospital.

(*b*) If that offer is accepted the property will not be advertised for sale."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Condition of the ladies' waiting room at Ranaghat railway station.

XXXIII.

(*a*) Will the Government be pleased to state the condition of the ladies' waiting room at the Ranaghat railway station?

(*b*) Have the Government ascertained whether this room is fit to be used as a waiting room for *purdanashin* ladies?

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

" (*a*) The ladies' waiting room at Ranaghat station includes a bathing place and necessary sanitary arrangements; it is sufficiently lighted and fairly well ventilated. The Railway management state that the room is often dirty owing to misuse by women passengers and their children. It is proposed to appoint a female attendant for this station with a view to effecting improvements.

(*b*) Yes—provided it is not misused by waiting passengers."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXXIV.

Will the Government be pleased to lay on the table the following papers :— Request for certain papers in connection with the Damodar floods.

(*i*) a copy of Mr. Addams-Williams' report on the Damodar flood of 1914 on which action is being taken by the Government of Bengal;

(*ii*) a copy of Mr. O. C. Lees' report of 1889-90 (Superintending Engineer, South-Western Circle) as a result of whose investigation a further ten miles embankment between Lakra and Begua was abolished in 1890-91; and

(*iii*) a copy of the inspection report of Mr. Addams-Williams, Superintending Engineer, on special duty, regarding his extensive tour in the interior of the several villages lying in the spill area during the period from the 23rd April to 30th April, 1918?

Answer by the Hon'ble MR. COWLEY :—

" (*i*) A copy of Mr. Addams-Williams' report of 1914 is placed on the table in the library.

(*ii*) A copy of Mr. O. C. Lees' report of 1890-91 is placed on the table in the library.

(*iii*) A copy of the inspection report to which allusion is made is placed on the table in the library."

By the Hon'ble MR. J. MACKENZIE :—

XXXV.

(*a*) Are the Government aware that a large portion of last season's jute crop still remains in Northern Bengal owing to the scarcity of railway wagons caused by the transfer of Eastern Bengal Railway stock to other lines? Transport of the jute crop of Northern Bengal.

(*b*) Are the Government aware that the available storing and assorting accommodation is almost wholly taken up at the present time by stocks of old jute awaiting transport?

(*c*) Are the Government aware that large quantities of jute still remain unsold in the hands of the cultivators who, having already missed their market owing to the absence of transport facilities, are still unable for the same reason to realize their holdings at even half the rates obtained in other parts of the province where transport difficulties have not been so pronounced?

(*d*) Are the Government aware that unless the bulk of these stocks is cleared before the end of next month accommodation will not be available for the harvesting and marketing of the new crop?

Questions and Answers.

(*e*) Will the Government be pleased to state what action, if any, they have taken or are taking to relieve the situation?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*). The facts are as stated.

(*c*) Government are aware that in Northern Bengal large quantities of last year's jute are still in the hands of cultivators or small traders, and that the price obtained for jute in Northern Bengal has generally been lower than that obtained in Eastern Bengal. The inferior price is due partly to the inferior quality of the jute and partly to difficulties of transport.

(*d*) Government are aware that if existing stocks are not removed during August and September, there will be difficulty in storing the new crop.

(*e*) Steps are being taken to relieve the situation by the following measures :—

(*i*) the provision of a larger number of broad gauge wagons on the Eastern Bengal Railway,

(*ii*) the provision of improved facilities for carrying jute by rail to Fulchari Ghat and thence by steamer to Calcutta."

By the Hon'ble MR. ARUN CHANDRA SINGHA :—

XXXVI.

Post of the Government Pleader at Noakhali.

(*a*) Is it a fact that the post of the Government Pleader of Noakhali fell vacant some time ago by the death of Babu Bankim Chandra Bose?

(*b*) Is it also a fact that Babu Jashodakumar Ghosh, B.L., Vakil of Noakhali, officiated in the above post during the absence on leave of the said Babu Bankim Chandra Bose and for some time even after his death, and that he was a candidate for appointment to the post?

(*c*) Is it also a fact that Babu Jashodakumar Ghosh officiated in the post on a previous occasion after the death of Khan Bahadur Buzlal Rahim, the then Government Pleader, until the appointment of Babu Bankim Chandra Bose to the same post?

(*d*) Is it also a fact that Babu Jashodakumar Ghosh acted as pleader on behalf of the Government on several other occasions in connection with important civil suits during the incumbency of the late Khan Bahadur?

(*e*) Is it also a fact that on the present occasion, although the District Magistrate recommended the confirmation of Babu Jashodakumar Ghosh in the post in which he was already officiating, one Babu Hitalal Guha, a Vakil of the Calcutta High Court of five years' standing, has been permanently appointed to the post?

(*f*) Is it not a fact that ordinarily local men are appointed to such posts?

(*g*) Are the Government aware that in such cases the public are always in favour of the appointment of local men having knowledge of local conditions and some experience of the legal profession?

(*h*) Is it not a fact that Babu Jashodakumar Ghosh is a native of the district and has been practising at Noakhali for about fifteen years and has one of the largest practices there?

(*i*) If the answers to the above clauses are in the affirmative, will the Government be pleased to state why Babu Hitalal Guha has been appointed to the post in preference to Babu Jashodakumar Ghosh?

Questions and Answers.

Answer by the Hon'ble MR. DUVAL :—

" (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Yes.

(*e*) The District Magistrate did not recommend the confirmation of Babu Jashodakumar Ghosh in the post.

(*f*) There are no orders to the effect that ordinarily local men should be appointed to the posts of Government Pleaders; but the claims of local men are generally first considered.

(*g*) No

(*h*) Yes.

(*i*) Babu Hitalal Guha was appointed to the post because after considering the reports of the local officers, Government considered him more suitable than Babu Jashodakumar Ghosh and the other applicants for the post."

By the Hon'ble MR. ARUN CHANDRA SINGHA :—

XXXVII.

Abolition of the chauki at Nabinagar.

(*a*) Is it a fact that there have been two Munsif courts at Nabinagar in the district of Tippera for over thirty-five years and that these courts were removed to Nabinagar from Muradnagar for the convenience of the litigant public?

(*b*) Is it a fact that there is a proposal before the Government to abolish the chauki at Nabinagar and to remove one of the courts from there to Brahmanbaria and the other to Comilla?

(*c*) If the answer to the above is in the affirmative, will the Government be pleased to state the reasons for the proposed abolition of the chauki in question?

Answer by the Hon'ble MR. DUVAL :—

" (*a*) One of the Munsifs' courts then sitting at Muradnagar was removed to Nabinagar in the year 1882, the grounds for the removal being congestion at Muradnagar and the desire of the people of Nabinagar to have a munsifi near at hand.

The second Munsif's court at Nabinagar, which was established later, was not transferred from Muradnagar.

(*b*) There is no such proposal before Government. Government have, however, asked the advice of the High Court as to the changes, if any, in civil court jurisdictions which will be desirable in the event of a new subdivision being created in the district of Tippera.

(*c*) The question does not arise."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

XXXVIII.

(1) Advisory Committee to report upon cases of political prisoners.
(2) Appointment of non-official visitors to visit political prisoners.

(*a*) With regard to the announcement in the Imperial Legislative Council by the Hon'ble the Home Member on the 19th March, 1918, in reply to the resolution moved by the Hon'ble Babu Surendra Nath Banerji—

(*i*) that an Advisory Committee will be appointed to inquire into and report upon the cases of all political prisoners under the Defence of India Act and Bengal Regulation III of 1818, and

(*ii*) that non-official visitors would be appointed to visit such prisoners and report upon their health condition and other matters,

Questions and Answers.

will the Government be pleased to state what arrangements have been made to give effect to this announcement both as regards the appointment of the Advisory Committee and of non-official visitors?

(*b*) Will the Government be pleased to state the names of the members of the Advisory Committee and of the non-official visitors, district by district?

(*c*) Will the Government be pleased to state whether they have started work; if so, from what date?

(*d*) If any reports have been submitted by them, will the Government be pleased to lay the same on the table?

Answer by the Hon'ble MR. KERR :—

" As announced in a *communiqué* on the 11th June, the Governor in Council has appointed a Committee consisting of Sir Narayan Ganesh Chandavarkar and Mr. Justice Beachcroft to advise him regarding the cases of persons in Bengal restrained under the Defence of India Rules and Regulation III of 1818. Non-official visitors have been appointed for all jails in which State prisoners are restrained, and a statement giving their names is laid on the table; as regards *détenus* under the Defence of India Act, District Magistrates have been instructed to arrange for a selected non-official gentleman to visit every person who is interned in a foreign domicile, as occasion may offer and the need may arise, but the personnel may vary from time to time and standing committees are not contemplated. Reports have been received from some of these gentlemen, and while suitable opportunity will be taken from time to time of making known their general tenour, it is not considered desirable to lay individual reports on the table or to publish the names of the gentlemen by whom they were submitted."

Statement referred to by the Hon'ble MR. KERR *in his answer to question No. XXXVIII (unstarred) asked by the Hon'ble* RAI RADHA CHARAN PAL BAHADUR *at the Council Meeting of the 3rd July, 1918.*

Statement of Non-official gentlemen appointed as Visitors to State prisoners.

Jail.	*Names.*
Presidency	Mr. P. C. Mitter. Mr. R. D. Mehta.
Alipore Central	The Hon'ble Rai Debender Chunder Ghose Bahadur. Raja Rishikesh Law.
Hooghly	The Hon'ble Rai Mahendra Chandra Mitra Bahadur. Maulvi Mazharul Anwar Chaudhuri.
Dacca	Babu Rebati Mohan Das. Rai Lalit Mohan Chattarji Bahadur.
Chittagong	Rai Upendra Lal Rai Bahadur. Babu Durga Das Dutt.
Midnapore	Babu Atul Behari Singh. Babu Radha Govinda Pal.
Rajshahi	Dr. Kedareswar Acharji. Babu Mohendra Kumar Shaha Chaudhuri.
Berhampore	Babu Khetra Nath Pal. Babu Satyendra Nath Bagchi.
Darjeeling	Mr. R. C. Sukul. Babu Bepin Behari Chattarji.

Questions and Answers.

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR:—

XXXIX.

Will the Government be pleased to state what action has been taken or is being taken in the matter of the *détenu* Jyotish Chandra Ghosh, who has been declared by medical experts to be suffering from insanity? Case of *détenu* Jyotish Chandra Ghosh.

Answer by the Hon'ble MR. KERR:—

"The State prisoner Jyotish Chandra Ghosh is still detained in the Berhampur Lunatic Asylum pending an improvement in his mental condition."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR:—

XL.

In view of the present scarcity of cloth, are the Government considering the desirability of instituting an inquiry into the possibility of reviving indigenous *charka* for the spinning of yarns? Revival of indigenous *charka* for the spinning of yarns.

Answer by the Hon'ble MR. KERR:—

"Government have instituted the inquiry suggested by the Hon'ble Member."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR:—

XLI.

(*a*) Will the Government be pleased to state the area under cotton cultivation in Bengal, its annual output and quality? Cotton cultivation in Bengal.

(*b*) Is there any truth in the statement that Dacca cotton was very abundant in the 18th century and was of a superior quality?

(*c*) Have the Government considered the question whether the cultivation of cotton will pay in this province and, if so, what steps are they taking for introducing cultivation in suitable areas?

Answer by the Hon'ble MR. KERR:—

"(*a*) The estimated area under cotton in Bengal in the year 1917-18 was 71,230 acres,—nearly all in the hill areas of the Chittagong Hill Tracts and of Hill Tippera; a very small area being also sown in Bankura and Midnapore districts. The estimated outturn was 18,854 bales of 400 lbs. The cotton is of short staple, the climatic conditions being unfavourable to the production of cotton of first-rate quality.

(*b*) The cotton grown in the north of Dacca district in the 18th century is stated by Dr. Roxburgh in *Flora Indica* to have been more abundant and of better quality than the cotton which is grown now. Innumerable attempts have been made since the middle of the 19th century to grow long-stapled cotton in Bengal; but every attempt in the plains has so far been a failure.

(*c*) The subject is under the consideration of Government."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR:—

XLII.

(*a*) Are the Government aware that there is great hardship amongst the people on account of scarcity of cloth and its high prices? Scarcity of cloth

(*b*) What measures do the Government contemplate taking in this connection?

Questions and Answers.

(*c*) Will the Government be pleased to state what quantity of cotton yarns are imported to Bengal from other provinces in India and also from foreign countries and also state the value of Government imports?

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes.

(*b*) The Hon'ble Member is referred to the reply given to question No. 2 asked by the Hon'ble Babu Ambika Charan Mazumdar at this meeting of the Council.

(*c*) A statement giving the information required is laid on the table."

Statement referred to by the Hon'ble MR. KERR *in his answer to question No. XLII (unstarred) asked by the Hon'ble* RAI RADHA CHARAN PAL BAHADUR *at the Council Meeting of the 3rd July, 1918.*

IMPORTS OF COTTON TWIST AND YARN INTO BENGAL.

YEAR.	Cotton twist and yarn, Foreign.			Cotton twist and yarn, Indian.		Total.
	By rail and river.	By sea foreign.	By sea coastwise.	By rail and river.	By sea coastwise.	
	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
1913-14 ... (pre-war year)	1,182,281	11,055,845	36,218	10,511,835	12,096,447	34,882,626
1916-17 ...	3,201,408	7,744,698	1,04,914	18,978,295	2,813,208	32,842,523
1917-18 ...	4,751,424	5,557,967	47,074	23,725,934	139,028	34,221,427

There were no imports of cotton twist or yarn on Government account.

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

XLIII.

Cultivation of crop other than jute and rice.

In view of the uncertainty of a market for jute and rice, are the Government considering the advisability of issuing instructions for the cultivation of any other crop, in addition to jute and rice, which may be of national importance during the war and also of benefit to the agriculturists?

Answer by the Hon'ble MR. KERR :—

"Government have called for opinions with a view to considering the desirability of encouraging a more extensive cultivation of (1) cotton with a view to facilitating local manufacture of cotton goods, and (2) *rabi* food crops with a view to diminishing the need for import by railway.

These questions will be discussed at a meeting of the Provincial Agricultural Association on the 4th July."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

XLIV.

Difficulties of transport of rice from the rice-growing districts.

(*a*) Is it a fact that owing to the difficulty of transport there is a glut of rice in the rice-growing districts?

(*b*) Do the Government contemplate taking measures for its export to districts or provinces where rice is less abundant?

Answer by the Hon'ble MR. KERR :—

"Rice is plentiful in all districts, but, so far as is known at present there is a serious glut only in Birbhum, and to a less extent in Midnapore.

Questions and Answers.

The Director of Civil Supplies is taking steps to deal with the situation in these districts, but the question is, of course, conditioned by the available wagon supply."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

XLV.

Will the Government be pleased to lay on the table a statement showing the number of dacoities, armed or otherwise, which took place in Bengal in May, 1918.

Number of dacoities in Bengal during May, 1918.

Answer by the Hon'ble MR. KERR :—

"The number of dacoities, armed or otherwise, which took place in Bengal in May, 1918, and were reported to the police was seventy-one."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

XLVI.

(*a*) Will the Government be pleased to state what special provision has been made for the education of indigent and backward communities in Bengal?

Education of indigent and backward communities in Bengal.

(*b*) Do the Government make any grant to any society for the purpose?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Provision has been made for the following recurring expenditure :—

(*i*) The expansion and improvement of education among Sonthals in the Burdwan Division Rs. 13,257 per annum.

(*ii*) The education of the children of labourers employed in tea gardens, Rs. 10,492 per annum.

(*iii*) The education of factory children Rs. 6,480 per annum.

(*iv*) Provision of special facilities for the elementary education of the children of fishermen in the district of Dacca Rs. 345 per annum.

(*v*) Improved educational facilities in the colonisation areas in the Sunderbans, Rs. 2,004 per annum.

(*vi*) Provision of educational facilities for children of indigenous *dais*, Rs. 5.400 per annum.

(*vii*) Elementary education of hill tribes in Chittagong Hill Tracts Rs. 20,000 per annum.

(*viii*) Scholarships for backward classes, Rs. 2,000 per annum.

Further details will be found in Chapter XI of the Report on Progress of Education in Bengal 1912-13 to 1916-17 (Fifth Quinquennial Review) by Mr. Hornell, a copy of which has been laid on the library table.

(*b*) Yes."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

XLVII.

Will the Government be pleased to state whether there are any restrictions on the admission of scholars of pure Indian descent to European schools?

Restrictions on the admission of scholars of pure Indian descent in European schools.

Answer by the Hon'ble MR. O'MALLEY :—

"The restrictions imposed on the admission of non-Europeans in European schools in terms of clauses (*c*) and (*d*) of Article 7 of the European School Code are applicable in the case of scholars of pure Indian descent.

Questions and Answers.

They are—

(1) No grant is made on account of non-European scholars who have not adopted European habits of life.

(2) No school is eligible for a grant under the European School Code in which the number of non-Europeans exceeds 15 per cent. of the total number of scholars or such smaller percentage as the local Government may, by special order, prescribe for any particular school or place."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

XLVIII.

Cases of kidnapping for immoral purposes.

Having regard to the increasing number of kidnapping cases for immoral purposes, what special steps are the Government taking to put down the evil?

Answer by the Hon'ble MR. KERR :—

" The matter is under the consideration of Government in connection with a report recently received from the Commissioner of Police.

The Hon'ble Member is doubtless aware that a Bill which was designed to confer a greater degree of protection to girls was introduced in the Imperial Council before the war and is still pending there."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

XLIX.

Regulation of traffic in the northern part of the town.

(*a*) Will the Government be pleased to state whether the Commissioner of Police has organised a traffic police to regulate the traffic in the northern part of the town, especially in the Barabazar, Jorabagan and Kumertolly sections?

(*b*) Are the Government aware that the obstruction of roads continues without any abatement, carters and others unnecessarily leaving their carts and goods for long periods on the streets and foot-paths without the slightest regard for the public convenience?

(*c*) Are the Government also aware that this is done in the presence of the beat constables, who complacently allow the obstruction to continue?

(*d*) Will the Government be pleased to state whether it is not possible to employ mounted police or some superior staff of officers to see that the beat constables do their duty?

Answer by the Hon'ble MR. KERR :—

" (*a*) The Hon'ble Member is referred to the answer given to the question which he put on this subject at the meeting of this Council held on the 13th December, 1915. Since then the Commissioner of Police has prepared a scheme for traffic police throughout the Calcutta Police District; but the scheme, which necessarily entails a large increase of force and considerable expenditure, is being withheld until financial conditions improve and until the Commissioner is able to recruit up to the strength already sanctioned.

(*b*) There is no doubt that considerable obstruction of roads takes place in the northern part of the town in spite of prosecutions. Without widening the roads and providing suitable cart spaces the portions of the town specially referred to will invariably be obstructed, no matter what steps the police take to regulate traffic.

(*c*) No. A large number of cases are sent up against persons responsible for causing obstruction: the majority of these are reported by the beat constables.

Questions and Answers.

(*d*) It is not possible to employ any extra staff for supervision owing to the financial stringency and the shortage of men ,both Indian and European. The staff of patrol sergeants in this part of the town has, however, been kept at its full strength, somewhat to the detriment of work elsewhere."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

L.

Alleged waste of time by the Inspectors of certain thanas in attending to hear the report of the Deputy Commissioner.

(*a*) Is it a fact that the Inspectors of Police attached to the Shampukur, Jorabagan, Burtola, Barabazar, Jorasanko and Sukeas Street thanas in Calcutta are required to attend daily to hear the report of the Deputy Commissioner of Police, Northern section, at Jorabagan at 10 A.M. and that they have to wait there till about 3 P.M.?

(*b*) Is it a fact that a report of all cases is made once to the Assistant Commissioner, Northern Division (Town), between 10 A.M. and 12 noon and once again to the Deputy Commissioner, Northern Division, between 1 P.M. and 3 P.M.?

(*c*) Are the Government aware that a good deal of time is thus spent by a large number of police officers and that they find themselves considerably handicapped in their investigation work?

(*d*) Are the Government considering the desirability of modifying the present system of hearing reports?

(*e*) Are the Government aware that Sir Frederick Halliday, Messrs. Bignell, Showers, James, Barnard, Sir John Lambert and other Commissioners of Police, Calcutta, heard reports of all cases of all the thanas, in Calcutta and suburbs, in a room (with open doors) at Lall Bazar in which the public, the friends and relations of accused persons, as well as the lawyers, had always an access?

(*f*) Are the Government aware that the public and even the friends and relations of accused persons are not allowed an access to the report room of the Deputy Commissioner of Police at Jorabagan, where he hears reports of cases with closed doors?

(*g*) Will the Government be pleased to state the reasons which have led to a departure from the old practice of hearing reports?

Answer by the Hon'ble MR. KERR :—

" (*a*) The officers in charge of the police sections named are required to attend at Jorabagan at 10 A.M. for reports on those days on which they have cases to put up. It is not a fact that they are detained till 3 P.M. daily.

(*b*) No. The Deputy Commissioner only hears those cases in which it is necessary for him to pass orders of remand or discharge. He does not hear those cases which are sent up at once to the Magistrate or comparatively unimportant cases which are under inquiry.

(*c*) and (*d*) Some time is spent by police officers at reports which might otherwise be spent in investigation, but orders have been issued by the Commissioner of Police that not more time than is absolutely necessary is to be spent at reports. The arrangements in force are designed to secure this object, and Government do not propose to fetter the discretion of the Commissioner of Police in the matter.

(*e*) It is not a fact that reports of all cases of all police sections of the town and suburbs were heard by the Commissioners named at Lal Bazar, but these officers heard reports of important cases at Lal Bazar under the conditions described.

(*f*) and (*g*) The Hon'ble Member is referred to the reply given to the Hon'ble Maulvi A. K. Fazl-ul-Haq at the meeting of the Council held on the 4th April.

Questions and Answers.

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :-

LI.

Pay and allowances of Mr. J. T. Hume, Public Prosecutor.

(*a*) Will the Government kindly state on what pay and allowance Mr. J. T. Hume was appointed by Government as Public Prosecutor of Calcutta in May, 1907, when the responsibility for criminal prosecutions in Calcutta was withdrawn from the Government Solicitor?

(*b*) What is his present pay and allowance?

(*c*) Is there any age-limit to his retirement?

(*d*) On what pay and allowance did Babu Suresh Chand a Mit a and Rai Tarak Nath Sadhu Bahadur officiate for Mr. J. T. Hume as Public Prosecutor of Calcutta in the years 1911 and 1913, respectively?

Answer by the Hon'ble MR DUVAL :--

" (*a*) Pay Rs. 1,000 a month with a conveyance allowance of Rs. 50 a month.

(*b*) Pay Rs. 1,000 a month plus a personal allowance of Rs 500 a month and conveyance allowance as before.

(*c*) No.

(*d*) During the absence of Mr. Hume from the Police Court in 1910-11 Babu Suresh Chandra Mitra was paid at the rate of Rs. 700 a month for conducting Government cases, and during his absence in 1913 Rai Tarak Nath Sadhu Bahadur was paid at the rate of Rs. 800 a month.

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

LII.

Scale of fee given to private practitioners for conducting Government cases.

What is the usual scale of fee that is given to private practitioners for conducting Government cases—

(*i*) in the Bankshall Street Police Court, and
(*ii*) in the Jorabagan Police Court?

Answer by the Hon'ble MR DUVAL :—

" The ordinary daily fee for conducting a case is

(*i*) at Bankshall Street, Rs. 17, and

(*ii*) at Jorabagan, Rs. 25."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

LIII.

Number of Government cases conducted by private practitioners between 1908 and 1917.

Will the Government be pleased to lay on the table a statement showing, year by year—

(*i*) the total number of Government cases which were made over to private practitioners and conducted by them between the years 1908 and 1917, and

(*ii*) the total amount of fees paid to the private practitioners during the said period?

Answer by the Hon'ble MR. DUVAL :—

" (*i*) and (*ii*) Government are not prepared to undertake the compilation of these statistics as they consider that the labour and trouble involved would be incommensurate with the results."

Questions and Answers.

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR:

LIV.

(*a*) How many Court Inspectors and Sub-Inspectors are there attached to— Number of Court Inspectors and Sub-Inspectors attached to certain Courts in Calcutta.

(*i*) Bankshall Street Police Court,

(*ii*) Jorabagan Police Court, and

(*iii*) the Juvenile Court

in Calcutta?

(*b*) Will the Government be pleased to lay on the table a statement showing the pay and allowance that is given to each Court Inspector and Sub-Inspector in the said Courts?

Answer by the Hon'ble MR. DUVAL:—

"(*a*) and (*b*)—

(*i*) Bankshall Street Police Court—

	Conveyance allowance.
	Rs.
One inspector, pay Rs. 250	25
One sub-inspector, pay Rs. 175	20
Two sub-inspectors, pay Rs. 150	20

(*ii*) Jorabagan Court—

One inspector, pay Rs. 300	25
One inspector, pay Rs. 250	25
One sub-inspector, pay Rs. 175	20
One sub-inspector, pay Rs. 140	20

(*iii*) Juvenile Court—

One sub-inspector, pay Rs. 175	20

Inspectors and sub-inspectors attached to the courts in Calcutta are graded with other officers of their rank in the Calcutta Police and draw pay accordingly. The statement shows the pay actually drawn by the officers employed in these courts at present."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR:—

LV.

(*a*) In regard to the reply to my interpellation at the meeting of the Council on the 14th March last inquiring, among other things, whether the father of Mohini Mohan Samanta submitted a representation to the Secretary to the Government of Bengal, Political Department, on the 4th February, that no petition dated the 4th February, 1918, was received from the father of Mohini Mohan Samanta, will the Government be pleased to state whether such petition was not received from the elder brother of the *détenu*? Case of *détenu* Mohini Mohan Samanta.

(*b*) If so, what steps have been taken with reference to the said petition?

(*c*) Will the Government be pleased to state what action has been taken on the persistent complaints made by Mohini Mohan Samanta of spitting of blood, loss of weight and emaciation and on his representations to have his case diagnosed in the Medical College hospital or before a Medical Board in Calcutta?

(*d*) Have the Government considered whether a bacteriological examination of his case in the Medical College hospital is called for?

Questions and Answers.

(e) Is it a fact that Mohini Mohan Samanta came from Birbhum to Calcutta for diagnosis and treatment in the Medical College hospital as recommended by the Civil Surgeon of Birbhum, but was suddenly ordered back? If so, why?

Answer by the Hon'ble MR. KERR :—

" (a) and (b) No such petition dated the 4th February, 1918, was received from the brother of Mohini Mohan Samanta. Mohini Samanta was convicted and sentenced to 2 months' simple imprisonment on the 2nd February, 1918.

(c), (d) and (e) The Hon'ble Member is referred to the *communiqué* issued by Government and published in the papers on the 23rd January, 1918."

By the Hon'ble RAI RADHA CHARAN PAL BAHADUR :—

LVI.

Case of *détenu* Mohini Mohan Samanta.

(a) Is it a fact that the father or elder brother of Mohini Mohan Samanta petitioned the Government to allow the widowed sister of the *détenu* to live with him in order to look after his health and nurse him?

(b) Has the petition been granted?

(c) If not, why not?

(d) Is it a fact that he was granted an allowance of Rs. 40 per month, and that subsequently the same was reduced to Rs. 30? If so, will the Government kindly state the reason?

(e) Is it a fact that the Civil Surgeon of Suri recommended that he might be sent to the Medical College at Calcutta for examination? If so, was it done? If not, will the Government kindly state why the Civil Surgeon's recommendation was not carried out?

(f) Is it a fact that the Civil Surgeon reported that the *détenu* was suffering from nervous debility and recommended that he should be sent to a healthier place and that in consequence he was removed from Birbhum to Char Lawrence?

(g) Is Char Lawrence a healthy place?

(h) Is there any truth in the statements that he made before the Special Tribunal that when he went to Char Lawrence on the 8th April, at about 2-30 P.M., he found the house had been converted into a privy; that he could not clear it out himself and so he could not live there; that he had nothing to eat on the day he arrived: that on the next day he took *chira;* that on the way from the shop he found Sarat Sen, Inspector, in a room surrounded by other *détenus;* that he peeped from outside and that as soon as Sarat saw him he asked him to come inside; that he told him that he had not taken rice on the 8th and also on the 9th; and that Sarat then asked him whether there were no other arrangements?

(i) Were these statements challenged in Court? If not, why not?

(j) Is it a fact that Mohini was removed from Char Lawrence on the 8th April last and that he had no rice on the 8th as well as the 9th?

(k) Is it a fact that he was subsequently prosecuted on a charge of taking his meal on the 10th April with another *détenu*, named Sudhir Kumar Roy?

(l) Is it a fact that the written instructions of Mohini to his Counsel were seized by the police and that Mohini complained before the Special Tribunal that the police seized them in order to prepare their case?

Questions and Answers.

(*m*) Is it a fact that Babu Upendra Lal Ray, from his place in the Special Tribunal, observed that he saw the papers had been kept for one hour at least and that the Court Inspector read them before offering to hand them over and that the Inspector was reading them in Court?

(*n*) If the answer to clause (*m*) be in the affirmative, will the Government kindly state—

(*i*) why,

(*ii*) under whose instructions, and

(*iii*) under what authority

the police seized the instruction papers of Mohini and other under-trial prisoners before the Special Tribunal at Chittagong?

(*o*) What steps are the Government taking to prevent the interception of instruction papers of *détenus* and other accused persons in future?

(*p*) Do the Government propose to send back Mohini to Char Lawrence after his term of imprisonment is over?

Answer by the Hon'ble MR. KERR :—

" (*a*), (*b*) and (*c*) The father of Mohini Samanta petitioned that his widowed sister might be allowed to live with his son and nurse him. The petition was refused because there was no necessity for nursing, and it was considered undesirable that his relatives should live with him.

(*d*) His allowance was reduced from Rs. 40 to Rs. 30 on his transfer to Birbhum, as the Magistrate reported that Rs. 40 was excessive having regard to the cost of living in that district.

(*e*), (*f*) and (*g*) The Hon'ble Member is referred to the *communiqué* issued by Government on the 5th May, 1918.

(*h*), (*i*), (*j*) and (*k*) These questions presumably refer to the second trial of Mohini Samanta. Government have no information that any such allegations were made by Mohini Samanta; on the contrary, the judgment of the Tribunal specifically states that " the accused made no statement as regards the facts and did not cross-examine." The judgment also states, " These police officers have also proved that there was no excuse for accused behaving as they did, as they were well provided with all necessaries or could obtain them without any difficulty.

(*l*), (*m*), (*n*) and (*o*) The Hon'ble Member is referred to the answer given to clauses (*h*), (*i*), (*j*) and (*k*).

(*p*) The question of the treatment of Mohini Samanta on the conclusion of his sentence has not yet arisen."

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

LVII.

(*a*) Is it a fact that for the last two terms five Muhammadans have been nominated by the Government to be Commissioners of the Calcutta Corporation? Nomination of Muhammadan Municipal Commissioners to the Calcutta Corporation

(*b*) If so will the Government be pleased to state the reasons which led the Government this year to appoint four Muhammadan Commissioners only?

(*c*) Is it a fact that the Government have done so because one Muhammadan has been elected a Commissioner?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) No. Four Muhammadans were appointed by Government in 1912 when one Muhammadan was elected a Commissioner, and five in 1915 when no Muhammadan was elected.

Questions and Answers.

(*b*) and (*c*) One Muhammadan Commissioner having been elected, four were appointed by Government so as to make the representation of Muhammadans on the Corporation the same as it has been for the last six years."

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

LVIII.

Appointment of Muhammadans in the office of the Superintending Engineer, South-Western Circle.

(*a*) Will the Government be pleased to state whether two posts of clerks recently fell vacant in the office of the Superintending Engineer, South-Western Circle, Public Works Department, Calcutta?

(*b*) Is it a fact that these vacancies were filled up by Hindus, though there is not a single Muhammadan clerk in the office?

(*c*) Is there a rule which requires that at least one-third of the appointments in a Government Department should be filled up by Muhammadans?

(*d*) Will the Government be pleased to state the reason why the posts were not given to Muhammadans?

Answer by the Hon'ble MR. COWLEY :—

" (*a*) Yes, the first in September, 1916, and the other in March, 1918.

(*b*) No; it is incorrect to say that there is not a single Muhammadan clerk in the office.

(*c*) The Circular to which the Hon'ble Member evidently refers lays down that the proportion of one-third is the standard to attain which special efforts should be made.

(*d*) Of the two vacant posts one was given to a Muhammadan."

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

LIX.

Appointment of a Muhammadan officer to act as the Assistant Director of Public Instruction for Muhammadan Education.

In connection with the answer given to Question No. XLII asked by the Hon'ble Maulvi Abul Kasem at the meeting of the Council on the 5th March, 1918, will the Government be pleased to state whether, in view of the shortage of officers of the Indian Educational Service during the war, Government are considering the question of the suitability of appointing a Muhammadan officer of the Provincial Educational Service to act as the Assistant Director of Public Instruction for Muhammadan Education?

Answer by the Hon'ble MR. O'MALLEY :—

" A statement will be made in reply to the resolution on the subject which is to be moved by the Hon'ble Maulvi Abul Kasem."

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

LX.

Acquisition of the Lal Bag market and attached Jumma Musjid at Rangpur by the Rangpur College Committee.

(*a*) Is it a fact that the Lal Bag market with its Jumma Musjid at Rangpur, which is situated at a respectable distance from the college premises and the income of which market is dedicated to purely religious purposes for the upkeep of the mosque, was left out in the original plan of land acquisition submitted by the Rangpur College Committee to the Government?

(*b*) Is it a fact that the College Committee have subsequently sent up to Government a proposal to acquire the said Lal Bag market for the college?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) and (*b*) Proposals for acquiring an area of 1[illegible] *bighas* 2 *cottahs* and 3 *chitaks*, known as the Lalbagh Hat, for the extension of the compound of the college have been received by Government and are under consideration."

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

LXI.

(*a*) Are the Government aware—

Rustication of two school boys from the Rangpur Zilla School.

(*i*) that two students of the Rangpur Zilla School, namely, Abdul Hamid, of class X, and Dahluddin Ahmad, of class VII, have been rusticated by the orders of the Head Master of that school without any reasonable grounds and without the boys being heard in their defence;

(*ii*) that the boys were given the alternative of either applying for transfer certificates or of being rusticated, with this further condition that even if they adopted the former course the column under the heading " Conduct " would be filled up with the remark " Unsatisfactory;"

(*iii*) that the boys agreed to apply for transfer but wanted a few days' time to send for money from their home, but the Head Master refused to grant them time and immediately struck their names off the school register and ordered them not to attend school from that date; and

(*iv*) that a few days before the boys were so expelled the Hindu boys of the school were going to stage a drama, " Prithwiraj," that the Muhammadan boys, considering that the staging of the said drama would be hurtful to Muhammadan feelings, petitioned the Collector of the district to intervene, and that on their petition the Collector stopped the staging of the drama ?

(*b*) Will the Government be pleased to state whether they approve of the action taken by the Head Master?

(*c*) If not, what steps are they taking in the matter ?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) (*i*) The two students in question were rusticated by the orders of the Managing Committee of the Rangpur Zilla School, and not of the Head Master. A copy of the orders is placed on the table.

(*ii*) A copy of the proceedings of the meeting of the Managing Committee held on the 1st May, 1918, is laid on the table.

(*iii*) Government have no information on this point.

(*iv*) Some days previously there had been friction between the Hindu and Muhammadan boys over a rehearsal of a recitation by the Hindu boys of some passages from the play " Prithwiraj," at which it was alleged that some Hindu boys produced a shoe to represent the *Koran*. On being informed, the President of the Managing Committee, who was also the District Magistrate, instructed the Head Master that the recitation should not take place.

(*b*) and (*c*) The Hon'ble Member is referred to the answer given to question (*a*), (*i*). Government do not propose to intervene."

Questions and Answers.

Orders of the Managing Committee of the Zilla School, Rangpur, referred in the answer to question No. LXI (unstarred).

DALIL UDDIN AHMED, son of Jesavat Ulla Sarkar of Sonatala village, Gaibanda thana, Rangpur district, a student of class VII of the Rangpur Zilla School, is rusticated for a period of two months with effect from 3rd May, 1918, for having been strongly suspected of having taken part in the school Saraswati Sacrilege case.

J. N. GUPTA,
Magistrate-President.

UMESH CHANDRA HALDAR,
Secretary to the Managing Committee, Rangpur Zilla School.

Orders of the Managing Committee of the Zilla School, Rangpur, District Rangpur.

ABDUL HAMID MIAH, son of Hossain Ulla Miah, of Nankar village Mithapukur thana, Rangpur district, a student of class X of the Rangpur Zilla School, is rusticated for a period of two months with effect from the 3rd May, 1918, for having been strongly suspected of having taken part in the school Saraswati Sacrilege case.

J. N. GUPTA,
Magistrate-President.

UMESH CHANDRA HALDAR.
Secretary to the Managing Committee, Rangpur Zilla School.

Proceedings of a meeting of the Managing Committee of the Rangpur Zilla School held at 8 a.m. on the 1st May, 1918, referred in the answer to question No. LXI (unstarred).

THE 1ST MAY, 1918.

THE RANGPUR ZILLA SCHOOL.

PRESENT:

J. N. Gupta, M.A., I.C.S., District Magistrate ... *President*

Moulvi Talim Uddin Ahmed, Tariqul Alam, M.A., B.L., Deputy Magistrate ... ...
Babu Kalika Charan Roy, Assistant Head Master ... } *Members.*

Babu Umesh Chandra Haldar, M.A., B.T., Head Master *Vice-Presidnet and Secretary.*

Considered the steps to be taken in connection with the Saraswati incident in the interest of the school discipline. Read the report of the Superintendent of Police and

Resolved that either Hamid Uddin of class X and Dalil Uddin Ahmed of class VII of this school should voluntarily leave it within twenty-four hours or they will be rusticated for two months each.

J. N. GUPTA,
Magistrate-President.

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

LXII.

Will the Government be pleased to mention, district by district— Buildings for the Police Department.

(i) the places where buildings have been constructed in Bengal (excluding Calcutta) for the Police Department during the period April, 1912, to March, 1918;

(ii) the cost of the building in each case;

(iii) the purpose for which each such building is intended; and

(iv) how many of such places contain registration offices and how many of such registration offices are located in separate buildings?

Answer by the Hon'ble MR. KERR :—

"The Hon'ble Member apparently desires a comparison between the amounts spent in recent years on buildings in the Police and Registration Departments. The total figures were as follows :—

	Police Department.	Registration Department.	
	Rs.	Rs.	
1912-13	9,05,135	50,544	Actuals.
1913-14	13,17,844	49,353	Actuals.
1914-15	16,83,706	86,855	Actuals.
1915-16	10,06,246	29,757	Actuals.
1916-17	7,79,247	33,016	Actuals.
1917-18	17,21,000	41,000	Budget estimate.

Buildings may vary from large to small projects and may be of any description. The figures include the amounts spent on buildings for the Calcutta Police, separate figures for which are not immediately available. In order to supply the detailed information asked for by the Hon'ble Member, it would be necessary to make inquiries about a large number of buildings of different kinds in various districts, and Government consider that the expense and labour involved would be incommensurate with the results to be obtained."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

LXIII.

(a) Will the Government be pleased to state the total number of appointments made in the Department of the Registrar, Co-operative Societies— Appointment of Muhammadans in the Department of the Registrar of Co-operative Societies.

(i) during the incumbency of Mr. J. M. Mitra as Registrar, and

(ii) during the incumbency of Mr. Donovan up to 31st May, 1918?

(b) How many of such appointments were given to Muhammadans?

Answer by the Hon'ble MR. KERR :—

"(a) and (b) While Mr. Mitra was Registrar, 24 appointments were made, of which 9 were given to Muhammadans. Since Mr. Donovan was appointed, 40 appointments have been made, of which 20 were given to Muhammadans."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

LXIV.

Will the Government be pleased to state the steps that have been taken, or are in contemplation, for the establishment of the Fuller Hall or any similar building for Muhammadan students in Dacca? Establishment of the Fuller Hall for Muhammadan students in Dacca.

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"The scheme for a Muhammadan Hall has been suspended in favour of the project for the inclusion of a Muhammadan College in the Dacca University. Pending the establishment of such a College, a hostel for the Muhammadan students of the Dacca College has been started in the old Secretariat, where the students have the use of a large hall which was built at a cost of approximately one lakh."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXV.

Diara proceedings in Mymensingh.

With reference to my unstarred question No. XVI of the 14th March last, will the Government be pleased to state—

(a) the total number of mahals in the district of Mymensingh in respect of which *diara* proceedings have been completed, initiated or are contemplated, respectively, and the aggregate area of lands which are to be assessed to revenue as compared with the total approximate area of the revenue survey *mauzas* in the district;

(b) the number of *diara* proceedings in the district of Mymensingh in which—

(i) the zamindars concerned have taken settlement without protest;

(ii) the zamindars have taken settlement under protest;

(iii) settlement has been made with third parties upon refusal by the zamindars; and

(iv) the zamindars have succeeded in establishing their title, either wholly or partially, to the lands in dispute as belonging to their permanently-settled estates?

Answer by the Hon'ble MR. KERR :—

"(a) Diara proceedings have been initiated in 386 mahals in Mymensingh district, and completed in 91 mahals.

It cannot be stated in how many mahals such proceedings are contemplated, because the number is not ascertained before proceedings are initiated.

The area of the lands likely to be assessed to revenue is 30 square miles, and the approximate area of the revenue survey mauzas in the district is 6,400 square miles.

(b) As a diara proceeding involves more than one mahal, and the zamindars of all mahals included in each proceeding do not take the same action, the information is given by mahals—

(i) The zamindars have taken settlement without protest in 127 cases.

(ii) The zamindars have taken settlement under protest in 76 cases.

(iii) Settlement has not been made with third parties in any case, but 38 mahals have been kept under direct management owing to the recusancy of zamindars.

(iv) The zamindars have established their title to the lands as belonging to their permanently-settled estates wholly in respect of 110 mahals and partially in respect of 85 mahals. The figures given above do not relate only to proceedings which have been completed, as settlements are made before completion of proceedings"

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXVI.

(*a*) Will the Government be pleased to make a statement as to the properties that have been purchased in execution of decrees and otherwise on behalf of the estate of the Nawab of Dacca, since the Court of Wards took charge of the said estate and the increase in rent roll resulting therefrom? The Nawab of Dacca

(*b*) Is it a fact that litigation has increased in the Nawab of Dacca's estate since the Court of Wards assumed charge thereof and that the income has, in consequence, been reduced?

(*c*) Will the Government be pleased to lay on the table a statement showing—

(*i*) the rent roll of the estate in the year immediately preceding the assumption of charge of the said estate by the Court of Wards and during the subsequent years up to 31st March, 1917,

(*ii*) the amount of collection and the amount remitted to Dacca Sadar from Dacca, Mymensingh, Comilla and Barisal circles, respectively, during these years,

(*iii*) the number of suits of all kinds that have been instituted for and against the estate in these years, and

(*iv*) the establishment charges in those years separately for each circle?

(*d*) Will the Government be pleased to make a statement showing the debts of the estate on the day the Court of Wards assumed charge and those outstanding on the 31st March, 1917, and the amounts of principal and interest paid in each year out of the (*i*) surplus income and (*ii*) the sale proceeds of the properties?

Answer by the Hon'ble MR. KERR :—

"(*a*), (*b*), (*c*) and (*d*) Government have ascertained from the Court of Wards that it would be necessary to employ special establishment for a considerable period to prepare the information asked for. The Court of Wards is not prepared to engage special establishment for the purpose on behalf of the shareholders whose property is in its charge, nor is it prepared to ask the owners of the remaining shares to incur expenditure for this purpose. The Hon'ble Member is referred to the annual reports of the Court of Wards in which he will find some of the information asked for."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

LXVII.

(*a*) Will the Government be pleased to state the total expenditure on— Expenditure on hostels and messes.

(*i*) hostels,

(*ii*) messes, and

(*iii*) grants-in-aid to (*i*) and (*ii*)

during April, 1912, to March 1918?

(*b*) How much of the expenditure in each case was for Muhammadan students exclusively?

Answer by the Hon'ble MR. O'MALLEY :—

(*a*) Government regret that it is not possible to furnish separate figures for hostels and messes. For the total expenditure on both hostels and

Questions and Answers.

messes during the years 1912-13 to 1915-16 the Hon'ble Member is referred to the statements laid on the table in reply to his question No. X at the meeting of the Council held on 5th March, 1918. It is not possible at present to state the total expenditure during 1916-17 and 1917-18.

(*b*) As stated in reply to the question above referred to the expenditure incurred on hostels and messes intended exclusively for Muhammadans cannot be compiled without an undue amount of labour."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXVIII.

Will the Government be pleased to make a statement showing the Joint Stock Companies that have been registered and the new industries that have been started since the war broke out, noting, in each instance, the amount of authorised capital and the nature of Government patronage, if any?

Answer by the Hon'ble MR. KERR :—

" A copy of statement No. II attached to the annual reports by the Registrar of Joint Stock Companies for the years 1914-15 to 1917-18, is laid on the table[1]. It is not easy to answer the second part of the question in the form put without detailed inquiries for which there is little time, but, speaking broadly, no new industries have actually been started since the outbreak of the war, though many existing industrial concerns have been largely developed and are possibly opening up new lines of business. In other words, one result of the war has been to force India to look to its internal resources and efforts for many things which prior to the war it imported from abroad. In this connection the Hon'ble Member is referred to the article on Industrial Development in Bengal in the Munitions Board Hand-book published in connection with the Bombay Exhibition.

As regards Government patronage it is understood that large orders have been placed with such concerns by the Indian Munitions Board."

LXIX.

(*a*) Is it a fact that there have been several cases of suicide in the mufassal on account of acute distress caused by the abnormal rise in the price of of cloth ?

(*b*) Is it also a fact that there have been many cases of theft and loot of cloth in the mufassal and that the abnormal situation created by the high price of cloth has led to an increase of criminality and unrest among the people ?

(*c*) Have the Government made any inquiry as to whether or not there is profiteering in cloth by wholesale dealers in Calcutta ?

(*d*) If there is any profiteering by wholesale dealers in cloth, how far has is affected the retail prices ?

Answer by the Hon'ble MR. KERR :—

" (*a*) The Hon'ble Member is referred to the answer given to question No. XVII put by the Hon'ble Babu Akhil Chandra Datta.

(*b*) Between October, 1917 and April, 1918, 152 cases of *hât* looting occurred, and in the same period there were in various districts 98 cases of house dacoity and 42 of robbery in which cloth or salt was stolen. Since the 14th April there has been no further case of *hât* looting, but further isolated cases of theft of cloth from individuals have been reported recently. The

[1] Not printed in these Proceedings.

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scarcity and high price of cloth may be regarded as the predisposing cause of most of these offences, but many of them must be ascribed to local bad characters and professional thieves.

(*c*) and (*d*) Inquiries have been made as to the existence of profiteering by whole sale dealers, and in comparison with current Manchester prices the prevailing local rates are not higher than might have been expected. But the census of piece-goods to be taken in Calcutta on the 6th July, 1918, will throw further light on this matter."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXX.

Are the Government in a position to make a statement showing the retail prices of *dhotis* in Calcutta and in the different districts of the Presidency as they prevailed in each of the last six months? Retail prices of *dhotis*.

Answer by the Hon'ble MR. KERR :—

"A statement[1] giving the information required so far as it is available is laid on the table."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXXI.

With reference to the statement made on behalf of the Government in this Council on the 19th February, 1918, by the Hon'ble Sir Henry Wheeler, that the question of abnormal rise in the price of cloth was being considered by the Government and that the Government would do what they could, will the Government be pleased to state what remedial measures, if any, they have decided to adopt in the matter? Government action in regard to the rise in the price of cloth.

Answer by the Hon'ble MR. KERR :—

"The matter will be discussed at to-day's meeting of the Legislative Council in connection with the relevant resolutions on the agenda paper."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXXII.

(*a*) Will the Government be pleased to make a statement showing the expenditure incurred in educating each student of the Presidency College, Calcutta, and Dacca College, respectively, and the share borne by the Government thereof in 1915-16, 1916-17 and 1917-18? Increase of school fees in the Dacca College.

(*b*) Has there been any proposal for enhancing the rate of fees payable by students of the Dacca College? If so, will the Government be pleased to lay on the table all papers relating to this proposal?

(*c*) Will the Government be pleased to give the dates on which the different Government colleges were started in Bengal, together with the scales of fees that have obtained from time to time in each such college?

(*d*) Is there any proposal for increasing the scale of fees of Government colleges other than the Dacca College?

(*e*) What are the special circumstances that have led to this proposal with regard to the Dacca College?

(*f*) Are the Government aware of the strong feeling of opposition among the public in this matter?

[1] Not printed in these Proceedings.

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"(a) The figures are as follows for 1915-16 and 1916-17. Statistics for 1917-18 are not yet available.

College.	Cost of each student.			
	Total.		From public funds.	
	1915-16.	1916-17.	1915-16.	1916-17
	Rs.	Rs.	Rs.	Rs.
Presidency	362	343	237	194
Dacca	252	232	172	154

(b) A proposal for increasing the fees has been made by the Governing Body of the Dacca College but has not been submitted to Government. It is not therefore proposed to lay papers on the table.

(c) The dates are as follows—

College.	Year of establishment.
Presidency	1855
Hooghly	1836
Krishnagar	1845
Sanskrit	1824
Bethune	1849
Dacca	1841
Chittagong	1869
Rajshahi	1873

The following are the monthly fee rates charged during the last 10 years :—

College.	Fees.
Presidency	Rs. 12
Hooghly	„ 6
Krishnagar ...	„ 5 from 1908-09 to 1916-17; Rs. 6 from 1917-18.
Sanskrit	„ 5 from 1908-09 to 1916-17; Rs. 6 from 1917-18. Reduced fees, viz., Rs. 2 a month, have been paid by the sons of *bonâ fide* pandits throughout the ten years.
Dacca	„ 6
Chittagong	„ 3 in 1908-09; Rs. 4 from 1909-10 to 1916-17; Rs. 6 from 1917-18.
Rajshahi	„ 3 in 1908-09 and 1909-10; Rs. 4 from 1910-11 to 1916-17; Rs. 6 from 1917-18.
Bethune	„ 3

(d) No.

(e) It is understood that the Governing Body considered the existing fees inadequate in view of the cost of the College to Government and the comparatively small portion of the cost recovered from fees, as well as the efficiency of the College and the range of subjects offered by it.

(f) It is understood that the proposal has given rise to some dissatisfaction".

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXXIII.

(*a*) Will the Government be pleased to state the circumstances in which a prosecution has been started at Dacca against Kaviraj Satish Chandra Kaviranjan, at the instance of the Excise authorities, under section 46 of the Bengal Excise Act, and place all papers in this connection on the table? Case of a prosecution of a Kaviraj under the Excise Act.

(*b*) Does this case represent a departure in the Excise policy of Government, and has it been instituted as a test case?

(*c*) Was any legal opinion obtained by Government before instituting the case? If so, will the Government be pleased to lay it on the table?

(*d*) Are there any provisions for exempting *bona fide* medicines from the purview of the Excise law? If so, have the Government taken any steps to make such exemptions?

(*e*) Is it a fact that the present Bengal Excise Act is based upon a Bill framed by the Indian Excise Committee of 1905? If so, will the Government be pleased to quote the particular provisions or recommendations made by the Committee in regard to *bona fide* medicines and the corresponding provisions of the present Bengal Excise Act, giving reasons for any difference between them in this particular?

(*f*) Are the Government aware that the Bombay Abkari Act V of 1878 contains specific provisions exempting drugs from the operation of Excise law?

(*g*) Are the Government considering the desirability of undertaking an amendment of the Bengal Excise Act with a view to bringing it into line with the provision made in section 62 of the Bombay Abkari Act in regard to medicines?

Answer by the Hon'ble Mr. KERR :—

" (*a*) On the 25th March, 1918, Mr. M. R. Cox, Inspector of Excise and Salt, purchased a bottle of medicinal preparation known as ' Rahitakarishta ' from Kaviraj Satish Chandra Sarkar and sent it to the Chemical Examiner for analysis. It proved to contain alcohol, derived from the fermentation of *gur*, equivalent to 17·6 per cent. proof spirit. On receipt of a report to this effect the Inspector, after obtaining a search warrant, searched the premises of the Kaviraj, where he found 100 bottles of similar preparations and two large fermenting vats for their manufactures. The Kaviraj was therefore prosecuted for the illicit manufacture and sale of an exciseable article under section 46 (a) of Bengal Act V of 1909, as amended by Bengal Act VII of 1914. Government are not prepared to lay the connected papers on the table.

(*b*) No.

(*c*) No special opinion was taken.

(*d*) Under section 90 of the Excise Act the Local Government is empowered to exempt any exciseable article from the provisions of the Act. powered to exempt any exciseable article from the provisions of the Act which duty has already been paid, have been thus exempted.

(*e*) It is a fact that in its main outlines the Bengal Excise Act was based upon the Bill framed by the Indian Excise Committee of 1905. The relevant clause in the Committee's Bill was as follows:—

' Nothing in the foregoing provisions of this Act applies to the import, manufacture, possession, sale or supply of any *bona fide* medicated articles for medicinal purposes by medical practitioners, chemists, or druggists, apothecaries or keepers of dispensaries; but the Local Government may by notification prohibit

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throughout the province or within any local area, the import, manufacture, possession, supply or sale of any such article except under such conditions as it may prescribe.'

There is no corresponding provision in the present Act. It was omitted at the suggestion of the Select Committee which considered the Bill, on the ground that it would open the way for the use of medicinal preparations for intoxicating purposes, and that the power given in section 90 of the present Act would be a sufficient safeguard against undue interference with articles of which the alcoholic strength is low.

(*f*) Yes.

(*g*) Not as at present advised."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXXIV.

Discharge of nightsoil into the Ganges.

(*a*) Are the Government aware that Dr. Bentley, Sanitary Commissioner, Bengal, has pointed out to the municipalities concerned of the undesirability, from considerations of public health, of discharging nightsoil through the septic tanks into the Ganges?

(*b*) Have the Government made any inquiry as to whether or not the use of the septic tanks and their discharge into the Ganges have been responsible for pollution, from a sanitary point of view, of the river water in the immediate vicinity?

(*c*) Will the Government be pleased to lay on the table the results of any inquiry that may have been made in the matter of the septic tanks and their effect on the health of the locality concerned?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) No.

(*b*) Yes.

(*c*) The Hon'ble Member is referred to Municipal Department resolution No. 41 S., dated the 6th January, 1906, and its annexures, which were published in the *Calcutta Gazette*. A copy of a Report on Septic Tanks in Bengal and the Purification of Sewage by Dr. Gilbert J. Fowler, D.SC., F.I.C. (1907), is also placed on the library table."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXXV.

Distribution of areas in the three districts of Mymensingh.

(*a*) With reference to the answer given to my unstarred question No. IX, of the 3rd April, 1917, will the Government be pleased to state what modifications, if any, have been effected in the scheme of distribution of areas as between the three districts of Mymensingh and their respective subdivisions?

(*b*) What are the reasons that led to such modifications? Were the public consulted in the matter?

Answer by the Hon'ble MR. KERR :—

" (*a*) Since April, 1917, no further modifications have been made in the areas and boundaries of the districts and subdivisions which it is proposed to form in connection with the scheme for the partition of the Mymensingh district. A statement giving particulars of the scheme as it now stands is laid on the table.

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(*b*) The modifications of the original scheme were made in consequence of criticisms and suggestions received from the public and the local officers after the publication of Government Resolution No. 6287 P., dated the 27th May, 1915, a copy of which was laid on the table in answer to the Hon'ble Member's former question. The changes were all designed to meet the public convenience. The transfer of the northern portion of Nalitabari to the western district was made because of representations received from the inhabitants of Sherpur and Nalitabari that the latter place is more accessible to Jamalpur than to Mymensingh, and this convenience will be still more marked when the railway line is constructed from Jamalpur to Nalitabari. The inclusion of a portion of the Madhupur jungle in the western district was made to suit the convenience of the principal zamindars of this area, whose main property is situated in the Tangail subdivision. The inclusion in the sadar subdivision of the eastern district of the western portion of the Badla police-station was made in view of representations received from the inhabitants of this area that it is much easier of access to Kishorganj than to the headquarters of the south-eastern subdivision."

Statement referred to by the Hon'ble MR. KERR *in his answer to Question No. LXXV (unstarred) asked by the Hon'ble* BABU BROJENDRA KISHOR RAY CHAUDHURI *at the Council meeting of the 3rd July, 1918.*

Table showing the population and area of each Police-station in the proposed Eastern district.

Name of Revenue thanas.	Name of Police-stations.	Area in sq. miles.	Population.
	Eastern district	*1,640·36*	*1,346,020*
	Sadar subdivision	*416·02*	*454,120*
Kishoreganj ...	Tarial	54·54	52,159
Ditto ...	Karimganj	75·06	85,134
Ditto ...	Kishoreganj .	79·64	90,705
Ditto ...	Hossainpur ...	45·23	51,286
Katiadi	Katiadi	92·21	95,085
Do.	Pakundia	69·34	79,751
	Bajitpur subdivision	*678·33*	*378,933*
Bajitpur	Bhairab Bazar .	43·62	48,724
Ditto	Kuliarchar	39·43	47,241*
Ditto	Bajitpur	71·48	57,249
Ditto	Astagram	92·07	42,583
Ditto	Dhaki	124·76	58,310
Ditto	Nikli	48·14	39,308*
Kishoreganj	Itna	147·18	57,316
Kendua	Khaliajuri	111·65	28,203
	Iswarganj subdivision ..	*546·01*	*512,967*
Kendua	Kendua	115·88	124,805
Ditto	Akasri (Madan) ..	101·86	70,423
Nandail	Nandail	126·41	117,426
Iswarganj	Iswarganj	131·12	135,620
Ditto	Gauripur	70·74	64,693*

* Proposal sent up

Table showing the population and area of each Police-station in the proposed Central District.

Name of Revenue thanas		Name of Police-stations.		Area in sq. miles	Population
Central District			...	*2123·57*	*13,11,344*
Sadar Subdivision			...	*780·98*	*5,84,477*
Mymensingh	...	South Mymensingh	...	79·61	93,019*
Ditto	...	Muktagacha	...	112·32	88,464
Ditto	...	Trisal	...	91·79	81,801
Fulbaria	...	Phulbaria	...	190·63	1,34,697
Gaffargaon	...	Gaffargaon	...	151·16	1,33,968
Ditto	...	Bhaluka	...	155·47	52,528
Fulpur Subdivision			...	*523·29*	*3,04,557*
Fulpur	...	Phulpur	...	229·62	1,56,658
Do.	...	Haluaghat	...	164·06	59,373
Nalitabari	...	Nokla	...	66·51	47,848
Mymensingh	...	North Mymensingh	...	63·10	40,678*
Netrokona Subdivision			...	*819·30*	*422,310*
Durgapur	...	Kalmakanda	...	160·16	47,781
Ditto	...	Durgapur	...	223·52	78,322
Natrokona	...	Netrokona	...	106·83	66,615
Ditto	...	Purbadhala	...	90·40	66,691
Ditto	...	Atpara	...	71·66	58,933
Ditto	...	Kharsimul	...	93·92	52,762
Ditto	...	Barhatta	...	72·81	51,206

* Proposed.

Table showing the population and area of each Police-station in the proposed Western District.

Name of Revenue thanas.		Name of Police-stations.		Area in sq. miles.	Population.
Western District			...	*2474·16	*1,804,654*
Jamalpur Subdivision			...	*1151·53*	*754,675*
Jamalpur	...	Jamalpur	...	216·81	176,046
Ditto	...	Melandaha	...	89·18	70,693
Ditto	...	Madarganj	...	86·76	75,681
Dewangunge	...	Dewanganj	...	166·42	84,199
Ditto	...	Islampur	...	121·23	91,548
Sherpur	...	Sherpur	...	144·78	108,591
Ditto	...	Sribardi	...	119·46	71,261
Nalitabari	...	Nalitabari	...	206·89	76,656
Dhanbari Subdivision			...	*752·48*	*564,074*
Gopalpur	...	Gopalpur	...	151·33	149,339
Ditto	...	Madhupur	...	185·25	73,325
Ditto	...	Sarisabari	...	67·29	83,534
Kalibati	...	Ghatail	...	170·79	102,220
Ditto	...	Kalihati	...	177·82	155,656
Tangail Subdivision			...	*570·15*	*485,905*
Tangail	...	Tangail	...	153·99	170,377
Ditto	...	Basail	...	161·66	88,088
Ditto	...	Nagarpur	...	110·64	114,898
Ditto	...	Mirzapur	...	143·86	112,542

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXXVI.

What practical steps have been taken in Bengal since the War Conferences at Delhi and at Calcutta in the matter of developing the resources of the country? Development of the resource of the country.

Answer by the Hon'ble MR. KERR :—

"As regards industrial development it is impossible to answer the question in a general form, the more so as the Delhi Conference and its provincial sequel are of comparatively recent date. All that can be said broadly is that the policy of developing the resources of the country is being steadily pursued as opportunity offers.

The development of the agricultural resources of Bengal has been receiving special attention since the outbreak of the war, as the results of the war have demonstrated the special necessity of such development. The steps enumerated below as having been taken since the war conferences are not therefore exclusively the results of those conferences.

(*1*) To meet the increased demand for quinine 700 acres have been taken up for cinchona cultivation in place of the normal area of 300 acres.

(*2*) With the object of providing for the supply in India of the tea chests required by the tea industry, Government have given facilities in the Buxa Forest Division which are contingent on the concessionaire carrying on the business of manufacturing tea chests or three-ply wood.

(*3*) With a view to ascertaining the trade requirements of forest products and the possibility of supplying them Government have arranged to depute Mr. H. S. Gibson, Deputy Conservator of Forests, who had made special inquiries in America under the auspices of Government, to the office of the Director of Industries, Bengal, for a period of two months with effect from the 16th July, 1918. It is intended that if the experience of two months shows that Mr. Gibson can be employed in that capacity with advantage he shall be appointed as Forest Utilization Officer.

(*4*) Arrangements have been made for the distribution of 8,000 maunds of superior rice seed and 1,000 maunds of superior jute seed.

(*5*) Five new posts of District Agricultural Officers have been created.

(*6*) Orders have been issued for encouraging the use of manures of proved suitability by the distribution of loans under the Agriculturists' Loans Act on the recommendation of officers of the Agricultural Department.

(*7*) Inquiries have been instituted throughout the Presidency and the results of those inquiries will be discussed at a meeting of the Provincial Agricultural Association to be held on the 4th July, regarding—

(*a*) the possibility of increasing the cultivation of *rabi* food crops in Bengal;

(*b*) improvement of the organization for the supply of manure, seed and implements;

(*c*) extension of cotton cultivation;

(*d*) extension of the supply of new varieties of sugarcane.

(*8*) For the extension of the co-operative movement and in particular of industrial societies 16 new posts of Inspectors of Co-operative Societies have been created.

Questions and Answers.

(*9*) The Co-operative Department has devoted special attention to co-operation among weavers and to improving the facilities for obtaining cotton yarn.

(*10*) The improvement of the facilities for the transport of perishable food products, such as fish and dairy produce, by railway and the provision of cold storage for the same have been receiving the attention of Government. A conference on the subject was held on the 2nd July."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXXVII.

Cultivation of cotton and manufacture of yarn.

(*a*) What steps, if any, have been taken, or are contemplated by Government, in the matter of encouraging the cultivation of cotton and manufacture of yarn in Bengal?

(*b*) What steps have been taken by the different District Boards in this behalf?

(*c*) Are the Government making inquiries as to how far a revival of the *charka* system of spinning cotton is possible in the present circumstances and is likely to meet the situation?

(*d*) Have the Government any idea as to the approximate number of handlooms at present working in the province, and to what extent their number and capacity can be increased?

Answer by the Hon'ble MR. KERR :—

"Government have instituted inquiries as regards the practicability of encouraging the cultivation of cotton and the manufacture of yarn in Bengal. These questions will be discussed at a meeting of the Provincial Agricultural Association to be held on the 4th July. Government are unable to state the approximate number of handlooms at present working in Bengal."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXXVIII.

Appointment of advisory committee for the examination of interment cases for Bengal.

(*a*) Will the Government be pleased to lay on the table all papers regarding and leading up to the appointment of the advisory committee for the examination of internment cases in Bengal?

(*b*) What are the terms of their appointment and what procedure will be followed by them in dealing with individual cases?

(*c*) Will it be open to them to call for witnesses or interview *détenus* for purposes of inquiry?

(*d*) Will the advisory committee receive representations on behalf of the *détenus* relating to the charges against them and deal with any complaints regarding the treatment or health of *détenus*, the inconveniences of their places of domicile, and the inadequacy of allowances?

Answer by the Hon'ble MR. KERR :—

"Government do not propose to lay on the table the papers asked for. A copy of the Resolution appointing the Committee is laid on the table. Within the terms of reference to the Committee the details of the procedure to be adopted by it will be for the decision of that body."

Questions and Answers.

Resolution referred to by the Hon'ble MR. KERR, *in his answer to question No. LXXVIII (unstarred), asked by the* HON'BLE BABU BHABENDRA CHANDRA RAY *at the Council Meeting of the 3rd July, 1918.*

The Governor in Council has decided to appoint a committee to advise him in respect of the cases of those persons now under restraint, or who, during the sittings of the committee, may be placed under restraint, either under the provisions of the Defence of India Act (Act IV of 1915): the Ingress into India Ordinance (V of 1914) (to the extent that the persons so dealt with belong to the province of Bengal); or Regulation III of 1818, whether there are reasonable grounds for believing that they had acted, or were about to act in a manner prejudicial to the public safety or the Defence of British India.

The proceedings of the committee will be held in Camera and no Counsel will be permitted to appear. The papers of each case will be placed before the committee by an officer deputed by the local Government in the grouping essential to the proper understanding of them and in the manner best calculated to effect that end. Should the committee desire further information the request will be dealt with by the local Government to the best of their ability.

With the consent of the Hon'ble the Chief Justice of Bengal, the services of the Hon'ble Mr. Justice Beachcroft have been lent as a member of the committee, which will also comprise Sir Narayan Ganesh Chandravarkar, who has kindly consented to serve.

By order of the Governor in Council,

H. L. STEPHENSON,

Addl. Secy. to the Government of Bengal.

POLITICAL DEPT.,
DARJEELING,
The 17th June, 1918.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXXIX.

(*a*) Have the Government appointed any non-official visitors for persons confined under Bengal Regulation III of 1818? — Appointment of non-official visitors for persons confined under Bengal Regulation III of 1818.

(*b*) If so, will the Government be pleased to state the names of such visitors?

Answer by the Hon'ble MR. KERR :—

"The Hon'ble Member is referred to the answer given to unstarred question XXXVIII.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXXX.

(*a*) Are the Government aware that the supply of quinine in the post offices has run short in some parts of the province and that a good deal of inconvenience is being experienced by the people on this account? — Alleged short supply of quinine in post offices.

(*b*) If so, what are the reasons for such shortage and what steps have been taken to prevent such shortages in future?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*). In view of the profiteering in quinine that was going on, the Sanitary Commissioner sent orders in May to Civil Surgeons not to issue quinine treatments for sale pending further instructions. These orders, *which* were intended only to suspend temporarily the issue of stocks to post offices were misunderstood in some cases, and postmasters were directed to suspend sales to the public. Orders directing the resumption of the issue of supplies of treatments were given after about 10 days, but in the meantime there was a stoppage of sales in some places. Apart from these special circumstances, there is sometimes a shortage of quinine treatments at post offices owing to the postmasters not being able to obtain supplies from Civil Surgeons' offices in good time. Government are, therefore, considering the question of introducing a different system of distribution."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

Abduction cases of girls.

LXXXI.

Will the Government be pleased to make a statement showing—

(*i*) the number of abduction cases in which girls have been subsequently rescued by the police in Calcutta and its neighbourhood since January, 1918, together with brief particulars about each case, the nationality, caste, age, civil condition and previous residence of each such girl; and the names, occupation and residence of the accused;

(*ii*) the results of prosecutions started in such cases;

(*iii*) the custody in which each such girl was kept during the legal proceedings and thereafter; and

(*iv*) the number of any abduction cases of which information was received by the police but which have remained undetected during the last five years in each district?

Answer by the Hon'ble MR. KERR :—

" (*i*), (*ii*) and (*iii*) A statement is placed on the table. The item 'civil condition' is too vague to permit of specification.

(*iv*) A statement is placed on the table."

Statement of abduction cases since Janury 1918 in Calcutta and its neighbourhood.

No.	Particulars of kidnapped girls.				Particulars of accused.			Brief particulars.	Result of prosecution started.	Custody in which each girl was kept during the legal proceedings and thereafter.
	Nationality.	Caste.	Age.	Previous residence.	Name.	Occupation.	Residence.			
			Yrs.			CALCUTTA.				
1	Hindu Bengali.	Brahmin	14—16	No. 16-1, Mohan Lal Mitter Lane.	1. Surabala Debi. 2. Gayatri Debi. 3. Beaswar Shaha.	Prostitute Ditto ... Wine merchant.	No. 135, Manicktola Street. Ditto. Benod Behari Shah Lane.	The girl's father-in-law informed the police on the 24th October, 1917, that she had been missed while returning from bathing in the Hooghly. On receipt of an anonymous letter she was recovered on the 29th January, 1918, from a brothel situated at No. 135, Manicktola Street, where she had been enticed away by the accused Nos. 1 and 2.	The three accused were sent up for trial under secs. 365 and 366, I. P. C. Nos. 1 and 2 were sentenced to 5 years' rigorous imprisonment under sec. 365 and 7 years' rigorous imprisonment under sec. 366, I. P. C., the sentences to run concurrently. The trial of the third accused was postponed till the third Session which is now sitting.	During enquiries and pending the trial of the case the girl was placed in charge of the Baptist Zenana Mission at Entally after endeavours had been made to persuade her father-in-law to let her remain in his house and application had been made for entry into the Hindu Orphanage. After the conviction of the accused Nos. 1 and 2 the girl with the consent of her husband was placed in the house and under the protection of a Hindu gentleman of high standing with whom she now is.

Questions and Answers.

No.	Particulars of kidnapped girls.				Particulars of accused.			Brief particulars.	Result of prosecution started.	Custody in which each girl was kept during the legal proceedings and thereafter.
	Nationality.	Caste.	Age.	Previous residence.	Name.	Occupation.	Residence.			
			Yrs.							
						CALCUTTA.				
2	Hindu Bengali.	Brahmin	11	... ...	1. Parbati Dasi.	Prostitute	No. 1, Brojo Dulal Street.	On 19th January, 1918 on receipt of certain information the accused were arrested and the 5 minor girls rescued from the brothel in which they were living.	The accused were sent up before the 2nd Presidency Magistrate under secs. 373, 376 and 114, I. P. C. Accused No. 1 was acquitted. Accused No. 2 was detained till the rising of the Court and fined Rs. 200 on the 26th March 1918.	Of the 5 minor girls 3 were sent to the Hindu Orphanage and 2 to the Mulvany Home, being over the age up to which children are admitted into the Hindu Orphanage.
3	Ditto	Ditto	6		2. Nanibala Dasi.	Ditto	Ditto			
4	Ditto	Ditto	8							
5	Ditto	Ditto	12							
6	Ditto	Ditto	7							
7	Up-country Hindu.	Kanu, but converted to Muhammadanism.	14	Mahalla Kalithan. Laloopukur police-station, Kotwali Monghyr.	Shaikh Woozir *alias* Mastan.	Brothel keeper.	Kalithan police-station, Kotwali, Monghyr, and Babu Bazar, Kidderpore.	On the 4th April, 1918, while investigating a case of wrongful confinement against the accused the investigating officer noticed the girl in the brothel.	The accused was sent up under section 373, I. P. C., and was convicted and sentenced to 6 months' rigorous imprisonment by the Police Magistrate, Alipore, on the 21st May 1918.	As no trace of the girl's parents or relatives could be obtained she was placed in the Muhammadan Orphanage.
8	Hindu Bengali.	Brahmin	18	Sham Square Lane.	1. Santosh Kumar Nandan.	Goldsmith.	Sham Square Lane.	On the 28th May, 1918, on a search warrant from the Police Magistrate, Sealdah, the police took charge of the girl from a brothel at No. 29, Ultadinghi Main Road.	On medical examination the girl was found to be more than 16 years old and on the application of her husband a case under section 498, Indian Penal Code, was compromised, the case under section 366, Indian Penal Code, being declared "non-cognizable."	During enquiries the girl was placed in the custody of her husband.
					2. Dulal Chand Nandan.	Assistant in a petty shop.	Kumbuliatala.			
					3. Heramba Prasad Mukharji.	Student ...	Ram Kanto Bose Street.			
						HOWRAH.				
9	Hindu, up-country.	Goala ...	[illegible]	Village Boyali, police-station Puruashir, district Ballia.	Mahua *alias* Makbul Shaikh.	Mill hand	Pilkhana, Howrah.	On the 5th February last the accused kidnapped a girl named Sundaria Goalini from the house of her step-father Budhan Goala at Satbigha in Howrah. Sundaria was the daughter of one Babu Lal Ahir and had been married to one Lochman Goala. She came to her mother's house about a month before the occurrence and was enticed away by the accused and concealed in a house whereupon Budhan Goala lodged a complaint in court which was referred to the police for enquiry. The girl was rescued from the house of one Moiran Bibi six days after the institution of the case.	Accused was convicted and sentenced to six months' rigorous imprisonment under section 363, Indian Penal Code.	In the custody of her mother.
10	Ditto ...	Teli ...	15 or 16 years.	Makardah, police-station Domjur, district Howrah.	Rajendra Koley	Sweet vendor.	Makardah Howrah.	The case for the prosecution is that a girl named Bhudi *alias* Sarojini Ahirin was enticed away by the accused from her house at Makardah where she was living with her husband and mother-in-law. The accused first took her to Bauria and while proceeding to Kalighat, they were arrested by the station staff of Budge-Budge and made over to the local police, who sent them to Domjur police-station in Howrah.	The case is *sub-judice*.	In the custody of her husband and mother-in-law.

Questions and Answers.

No.	PARTICULARS OF KIDNAPPED GIRLS.				PARTICULARS OF ACCUSED.			Brief particulars.	Result of prosecution started.	Custody in which each girl was kept during the legal proceedings and thereafter.
	Nationality.	Caste.	Age.	Previous residence.	Name.	Occupation.	Residence.			
			Years			HOWRAH.				
11	Hindu up-country.	Chhetry ...	9	Ha[illegible]ganj, police-station Lillooah, Howrah.	1. Golam Hussain. 2. Nasiban Bibi. 3. Babarali 4. Jamini Musalman.	Coachman Labourer Ditto ... Ditto ...	Unknown Kamarhati Unknown Sikdarbagan.	The case for the prosecution is that a girl named Ram Kalia was living with her mother Saraswati and while playing in the Street close to her house, accused Nos. 3 and 4 enticed her away and took her to Sikdarbagan in Calcutta. Three or four days after she was made over to accused Nos. 1 and 2 who, while travelling with her in the train, were arrested at Dum Dum by a railway police constable, who took them to Sealdah railway police-station, whence they were sent to Lillooah police-station.	The case is *sub-judice.*	In the custody of her mother.
						24-PARGANAS.				
12	Ditto ...	Kahar ...	18	Benanu, police-station Bikram, district Patna.	Chirkut Chamar.	Chamar ...	Bhonai, police-station Mirzapur district Chapra.	A girl named Bansmatia, wife of one Jalim Kahar, of Alambazar, police-station Baranagore, was kidnapped by the accused from her house. The accused was living in the house of Gauri Dalal at Alambazar and enticed away the girl on the promise of taking her to her mother's house, but he eventually took her to the house of one of his relatives at Gazaria, police-station Fulchari in Rangpur. One Kaka Kahar, a relative of complainant, happened to be there and met the girl by chance in the latter part of February last, when he reported the matter to the local police, with the result that she was rescued on the 2nd March last and made over to her husband. Subsequently a case was instituted at Baranagore police-station and the accused, who was there at the time, was arrested and sent up for trial.	The case ended in conviction, the accused being sentenced to two years' rigorous imprisonment under section 363, Indian Penal Code.	In the custody of husband.
13	Hindu Bengali.	Kaibarta	18	Sarshuna, police-station Behala, district 24-Parganas.	Ghanasyam Sant.	Not known	Sarshuna, police-station Behala, district 24-Parganas.	The case for the prosecution is that a girl named Subashi *alias* Khedto, while living with her husband at Sarshuna, made the acquaintance of the accused who during her husband's absence from home took her with her consent, with the help of one Nani Bewa, to a house at Shahpur in Tollyganj where she was traced and rescued by the local police. Both Ghanasyam and Nani Bewa were arrested and sent up for trial.	The case is *sub-judice.*	Ditto.

14—27 Fourteen other girls have been rescued during the year by the Calcutta Police in similar circumstances. In five of these cases there was no conclusive evidence against the persons accused and no charge against them was laid before a Magistrate. Six cases are now *sub-judice* and three are under investigation.

Questions and Answers

Statement showing the number of abduction cases of which information was received by the Police but which have remained undetected during the last 5 years (1913—1917) in each district.

Name of district.	Number of abduction cases.	Name of district	Number of abduction cases.
Dacca	1	Jalpaiguri	1
Mymensingh	53	Malda	1
Tippera	5	Khulna	3
Bakarganj	8	Jessore	6
Faridpur	7	24-Parganas	15
Noakhali	2	Nadia	4
Chittagong	3	Murshidabad	5
Rangpur	31	Howrah	9
Dinajpur	3	Hooghly	6
Rajshahi	1	Burdwan	5
Pabna	4	Midnapore	15
Bogra	8		

It has not been found possible in the time to compile corresponding figures for Calcutta.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXXXII.

Have the Government any reason to suspect that there are any systematic organisations for carrying on traffic in girls in Calcutta or elsewhere in Bengal? Traffic in girls in Calcutta.

Answer by the Hon'ble MR. KERR :—

" Reports have been received that such an organisation exists within the jurisdiction of Maheshtala police-station in the 24-Parganas district; but the evidence on the subject is not sufficient to justify the institution of legal proceedings. No report has been received regarding the existence of similar organisations in any other district."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXXXIII.

Salary of navigation clerks under the Executive Engineer, South-Western and Central Circles.

(a) Is it a fact that the scale of pay of the clerks attached to the Executive Engineer's office under the South-Western Circle and Central Circle was raised and a circle cadre introduced in 1914, and that these clerks now start on a salary of Rs. 30 with prospects of rising up to Rs. 250 per month?

(b) Is it a fact that Government have not revised the scale of salary of the navigation clerks who work under the same Executive Engineer? If so, what are the reasons for such invidious treatment?

(c) Will the Government be pleased to state what is the maximum and minimum salary now drawn by the navigation clerks of the Circular and Eastern Canals Division, Cossye Division and Nadia Rivers Division?

(d) Is it a fact that a proposal for revision of the scale of salary of the navigation establishment generally has been lying with Government for consideration since the circle cadre was introduced for other clerks in 1914?

(e) Will the Government be pleased to state whether the above proposal will be sanctioned and what would be the additional monthly expenditure that it will entail if sanctioned?

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

" (*a*) Yes, except that the maximum is Rs. 240 and not Rs. 250.

(*b*) The Committee appointed in 1911 to consider the question of the pay, grading and method of work of the Public Works Department offices definitely excluded the question of the pay of the navigation staff from the scope of their inquiries and from their recommendations.

(*c*) The maximum salaries drawn are Rs. 35, Rs. 35 and Rs. 40 and the minimum salaries Rs. 20, Rs. 30 and Rs. 25 in the three divisions respectively.

(*d*) A proposal for the revision of pay of the whole of the navigation establishment of the Public Works Department in Bengal was considered by Government in 1916; but for financial reasons effect has not been given to that proposal.

(*e*) It is probable that the proposals of 1916 or some similar proposals will be re-examined at an early date. The additional monthly expenditure involved in the proposals of 1916 is about Rs. 700 per mensem but, owing to the increase of establishment with the increase in length of canals where tolls are enforced, the additional expenditure likely to be involved in subsequent proposals will be somewhat higher."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXXXIV.

Number of limited companies which have been granted licenses for raising capital.

Will the Government be pleased to make a statement showing :—

(*i*) (*a*) the number of limited companies which have been granted licenses up to date for raising capital;

(*b*) their respective lines and places of business; and

(*c*) the amount of capital they sought permission to raise, and the the proportion such amount bears to the total authorised capital and to the amount of capital, if any, they had already raised;

(*ii*) (*a*) the names of any companies which may have been refused such a license up to date;

(*b*) their respective lines and places of business;

(*c*) the amount of capital they sought permission to raise, and the proportion such amount bears to the total authorised capital and to the amount of capital, if any, they had already raised;

(*d*) the reasons for the refusal of a license in each case; and

(*e*) how far such refusal has affected their respective businesses?

Answer by the Hon'ble Mr. KERR :—

"(*i*) A statement [1] is laid on the table :—

(*ii*) (*a*) and (*b*) A statement [1] is laid on the table :—

(*c*), (*d*) and (*e*) In so far as the orders in these matters are passed by the Government of India, information regarding them can more appropriately be sought on the Imperial Legislative Council."

1 Not printed in these Proceedings.

Questions and Answers.

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

LXXXV.

(*a*) Is it a fact that a private company has been formed at Rangpur to start a dairy farm in the neighbourhood of the Carmichael College site? Lease of land in the neighbourhood of the Carmichael College to a private company for a dairy farm.

(*b*) Is it a fact that there is a Government dairy farm at Rangpur?

(*c*) Is it a fact that the Rangpur College Committee has resolved to let out to the proposed private dairy farm company 150 *bighas* of land out of the 900 *bighas* of land which is acquired for the college at a nominal rent?

(*d*) Is it a fact that 150 *bighas* of land not having been considered sufficient for the purpose of the dairy farm, the College Committee persuaded the Government to sanction the proposal of acquiring very large tracts of the contiguous lands with a view to let these lands out to the dairy farm company?

(*e*) Will the Government be pleased to give the names of colleges in Bengal which are situated on 900 *bighas* of land or more?

(*f*) If the answer to clause (*d*) is in the affirmative, are the Government considering the desirability of refusing to sanction the proposal to acquire large tracts of land for the Carmichael College?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Government are informed that a company is being formed at Rangpur of which the objects are stated to be dairy farming, pisciculture, poultry rearing, goat rearing and agriculture in all its branches.

(*b*) There is a Government cattle farm at Rangpur. It is not conducted as a dairy farm except in a subsidiary degree, *i.e.*, the milk is intended primarily for feeding the calves and only the surplus milk, if any, is sold.

(*c*) The area of the land acquired for the College up to the present is 798 *bighas*. It is reported that the governing body of the College has executed a lease for about 60 acres of this land in favour of the promoters of the company above mentioned.

(*d*) No.

(*e*) Inquiries are being made.

(*f*) In view of the answer to clause (*d*), this question does not arise."

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

LXXXVI.

(*a*) Is it a fact that in recent years 2,300 *bighas* of land have been acquired under the Land Acquisition Act in the neighbourhood of the Carmichael College and that there is a proposal to acquire another 100 *bighas* of land for railway quarters? Acquisition of land in the neighbourhood of the Carmichael College, Rangpur.

(*b*) Have the Government made any inquiries as to whether, if more land acquisition is continued, it will be necessary to start relief operations for those cultivators who will be rendered homeless?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) The railway acquired about 8¾ *bighas* last year for a diversion, and it is understood that there is a proposal to acquire another area of 15⅝ *bighas* for railway quarters."

(*b*) No."

THE PRESIDENT'S ADDRESS.

The President said :—

"Hon'ble Members will learn with regret, I am sure, of the recent death of Mr. F. G. Wigley, C.I.E., a gentleman who was long and intimately connected with the Bengal Legislative Council as its Secretary. During his long connection with this country he must have made many friends among Europeans and Indians alike. He accompanied Sir C. Ilbert to India during the Viceroyalty of Lord Ripon and did much useful work in the Legislative Department of the Government of India. At a later date he joined the Calcutta Bar and accepted office as Secretary to the Bengal Council in 1896. During his residence in this country and after his retirement from it he devoted much of his time and his abilities to the consolidation of the many Indian enactments and Parliamentary Statutes affecting this country. I feel sure that you will desire that this brief tribute to his work and this expression of sorrow at his death should find a place in the records of the Council with which he was so long and so closely connected.

* * * * * * *

For some months past vague rumours have from time to time reached my ears to the effect that persons restrained under Regulation III or under the Defence Act were ill-treated by the police. Some of these rumours were of a sinister character and accused the police of torturing those in their charge. But though some of the accusations contained in the rumours were definite enough—as I shall show by an example in a few moments—I found it extremely difficult to find any one who was willing or able to substantiate them. Those whom I asked told me that they had heard such and such a thing, or that such and such a story was common talk, but when I asked further who was responsible for the story, or what grounds there were for supposing it to be true, no one could tell me. Early in the present year, however, Mrs. Besant came forward with certain charge of torture which she submitted to the Government of India. She was not prepared to substantiate them and at first she even refused to give the names of those who were alleged to have been tortured. It was pointed out to her that if any sort of inquiry was to be made into the allegations which she brought, it was essential that the Government should be told firstly who were the persons alleged to have been ill-treated, and secondly, what was the precise nature of ill-treatment complained of. Mrs. Besant then, while still refusing to maintain the truth of the complaints or to give the name of her informant, whom she vaguely described as a gentleman whose name and address she possessed, put in writing certain specific charges. The disadvantages of having to deal with charges brought in this irresponsible manner must be obvious to everyone. Nevertheless, since this was the nearest approach to definiteness which the Government had been able to reach, it was decided to hold an investigation, and the task of holding the inquiry was undertaken by a high official having no connection of any kind with the police, namely, the Hon'ble Mr. Stevenson Moore, and an Indian non-official gentleman eminently qualified for the task by character, by training and by professional ability, namely, Sir Benode Mitter. Perhaps I may be permitted to take this opportunity of publicly expressing to these two gentlemen the thanks of the Government for consenting to undertake this very disagreeable task.

Now I come to the charges themselves. Mrs. Besant first stated vaguely that upwards of 100 persons under restraint on the islands in the neighbourhood of Chittagong were ill-treated by the police. The only observation which I have to make with regard to that is that the total number of persons who from first to last have been under restraint on these islands is 77, and that besides being hopelessly vague, the charge is therefore based upon information which is hopelessly incorrect. When reduced to something more definite, this charge amounted to a complaint of ill-treatment made on

The President's Address.

behalf of eleven detenus. All these persons were examined by the investigating committee, and I cannot do better than quote the finding at which they have arrived:—

'Of these 11 persons two . . . have said before us that the complaints are false. One . . . . makes minor complaints which are shown to be wholly unreliable, while four . . . . have declined to make any charges of ill-treatment before us, and so far as we have been able to test the complaints which were communicated by Mrs. Besant, we have found that they failed to satisfy the test, and the failure was of a kind that justified us in believing them unworthy of credence. We are thus left with four persons only . . . . who have made before us specific charges of ill-treatment and torture against the officers of the Intelligence Branch and the Special Branch. We have analysed these charges at some length with the result that we are satisfied that they are quite unfounded.'

I propose to publish both the charges brought by Mrs. Besant and the findings of the investigating committee and I do not intend, therefore, to trouble the Council with more than a simple example taken from the former. The charge I select as typical of all of them is that a certain person, Amrita Lal Sarkar by name, was brutally mutilated by the police. So much for the accusation. Now what are the facts? Amrita Lal Sarkar was arrested on September 27th, 1916. On arrest he was found to be suffering from a complaint the nature of which was explained to him by a surgeon of the Indian Medical Service. He was further advised by the surgeon that an operation was desirable; and with the patient's consent the operation was successfully performed. Those are the facts of the case which are vouched for by the surgeon himself whose certificate we possess. I have taken this particular charge as an example, because I have learned from different sources that this story has gained the widest currency. At the same time I cannot refrain from expressing my amazement that it should be thought possible that deeds rivalling the supreme efforts of the Spanish Inquisition could be perpetrated in the 20th century under British rule. If it be, indeed, a fact that stories of this kind are believed by people of ordinary intelligence, then I confess that credulity could go no further and I am driven to the conclusion that the psychology of a certain section of the people of this Presidency is such that they are prepared to accept as gospel truth the wildest rumours to which imagination is capable of giving birth.

Let me now sum up briefly the salient features of this unsavoury episode. Firstly, Mrs. Besant submits to the Government of India a communication in which it is stated that over a hundred detenus on the islands in the neighbourhood of Chittagong are being ill-treated and tortured. Secondly, on being pressed for something more definite she submits details of alleged ill-treatment not in over 100 cases, but in 11 cases only.

Thirdly, on examination it is found that far from these 11 cases referring to systematic ill-treatment as was suggested in Mrs. Besant's first communication, they referred to episodes which are alleged to have occurred nearly two years ago. Fourthly, Mrs. Besant herself states that there is a conspiracy among the detenus to break the internment rules and then, when sent to gaol, to hunger-strike, not, as is often alleged, as a protest against illtreatment but as a protest against the failure of the Secretary of the State to grant a general amnesty in commemoration of his visit. I may add that this is the solitary statement made by Mrs. Besant which is supported by unimpeachable evidence in the shape of a cipher letter written by one detenu to another. Fifthly, such specific charges as were made have been found to be groundless after investigation by an independent committee. Sixthly, the method by which the charges were brought to the notice of Government was such that the committee were led to make the following observations:—

'In our opinion the method adopted for bringing them to the notice of Government, viz., by unauthenticated complaints was unsatisfactory, and calculated to hamper proper and complete investigation.'

The Bengal Tenancy (Amendment No. 2) Bill, 1918.

Mr. Cumming.

For myself I would add : let us have no more of these scurrilous accusations purveyed to Government through the agency of a middleman who refuse either to name the source whence they are derived or to accept responsibility for them. Let those who traduce English and Indian gentlemen serving in the police force take their courage in both hands and come into the open. Until they do so we are entitled to draw our own conclusions as to the cause of the excessive modesty which constrains such persons to hide themselves behind the cloak of anonymity. The Special Branch of the police are carrying on a task of great difficulty and, as recent events have shown, of great danger also.

It is deeply to be regretted—but Government have ample evidence that it is a fact—that the attitude of hostility towards the police on the one hand, and of scarcely veiled sympathy with the revolutionaries on the other, which has recently characterised a portion of the press and a certain section of the public, has enormously encouraged the party which looks to anarchy to achieve its ends. I am sorry to say that with some exceptions I have looked in vain for that outspoken condemnation which I should have expected to pour from Press and platform alike of the recent murder of three police officers and the attempted murder of several more. And when I observe the comparative indifference with which these foul deeds appear to be regarded, I find it difficult not to contrast with it the campaign of calumny and abuse against the police of which the matter that I have dealt with to-day is a fair example. It is gratifying to find that there are some organs of public opinion at least which have the courage and the honesty to face the facts of the situation and to give to the police the credit which is their due. Let me quote from the *Dacca Herald* of June 17th :—

'We doubt very much if in any other country there is a batch of officers with that sense of duty and devotion which a large number of our police officers have shown. No fate has seemed too dangerous to prevent any of these gallant men from taking the greatest possible risk. This is the case of the dead head-constable. Only on Friday Patiram Singh had been discharged from the hospital after recovery from the wound he received during the raid in Asak Jamadar's Lane the other day. This did not prevent him from venturing on Saturday which has cost him his life.'

Everyone who knows anything of this side of the work of the police will endorse every word of that. But the paper has also laid its finger upon one of the dangers of the present situation. After referring to the sympathy which is excited on behalf of the revolutionaries, the writer goes on to say :—

'This sympathy, it is said, discharges the functions of a bacillus, and unless it is entirely eradicated the germ of the revolution will remain.'

No truer word was ever written. It is a truth which I should like to see sent forth from every platform and proclaimed in every newspaper throughout the land. When that is done—when these misguided persons are made to realise that methods such as these are abhorrent to every right-thinking man, that by adopting such methods they excite not the sympathy but the strongest condemnation of every newspaper and every public man—then, and not till then, shall we see the cancer of anarchy eradicated from the soil.

LEGISLATIVE BUSINESS.

LIST OF BUSINESS—ITEM No. 3.

THE BENGAL TENANCY (AMENDMENT No. 2) BILL, 1918.

The Hon'ble MR. CUMMING introduced a Bill further to amend the Bengal Tenancy Act, 1885.

He said :—

"Sir, I beg leave to introduce the Bengal Tenancy (Amendment No. 2) Bill, of 1918.

The Bengal Tenancy (Amendment No. 2) Bill, 1918.

Mr. Cumming.

The object of this Bill is to maintain the policy of the framers of the Cess Act—a policy from which the Government have never resiled,—before a departure from that policy becomes crystallized. Now, in section 41 of the Cess Act, we read as follows :—

'Every cultivating raiyat shall pay to the person to whom rent is payable one-half of the road cess and public works cess.'

When the Act was first introduced in 1871, Government took the precaution of issuing a proclamation, pointing out that every raiyat was bound to pay to the person to whom rent was payable, along with his rent, one-half of the rate of road cess imposed by the Road Cess Committee. and the zamindars and other holders were authorised to levy a cess at the half rate ; and 14 years afterwards when Government found that some zamindars were recovering from their raiyats the full amount of road cess payable, a notification was again published, pointing out that the amount payable with the rent on account of the road and public works cess by any cultivating raiyat was only one-half of the full rate of cesses levied in the district. It has. however, since been held by the highest judicial authority that the provisions of section 41, to which I have already referred, were neither exhaustive nor prohibitive; and that there was nothing in its terms to prevent the parties, if otherwise competent, from entering into a contract under which the tenant contracted to pay the whole of the road and public works cess. Government are, however, concerned with the policy on the basis of which section 41 was framed, and while the legal interpretation of the section as drafted in 1871. which is being judicially maintained, may be perfectly correct, it does not represent the intention of the framers of the Act, especially in view of the proclamations issued in 1871 and 1885. Enquiries have been made, and it has been found that in certain districts of this province, kabuliyats have been taken, under which raiyats agree to pay more than half anna in the rupee, and that such kabuliyats. have been accepted by the civil courts. The object of the present legislation is to maintain the policy of the framers of the Act ; but it is recognized that it is not right to affect injuriously any payment which has hitherto been made either under the terms of any agreement executed between the parties with the protection of the civil courts, or without any such special contract, mistake and coercion always excepted. For that purpose, a proviso has been drafted that no suit shall lie for the recovery of anything paid before the date on which this Bill may become law. The object in view has been effected by drafting a second clause containing such a proviso to section 74 of the Bengal Tenancy Act, which deals with impositions in addition to the actual rent which are prohibited.

I should like to add that when the provisions of this proposed Bill were circulated in 1917, the opinion was advanced in certain quarters that it was desirable to protect the cases of permanent tenure-holders. It will be noticed in the Statement of Objects and Reasons that this has been considered, and the proposed amending Bill will not affect contracts entered into by the holders of permanent leases who will still be subject to the provisions of section 179 of the Bengal Tenancy Act. This provision, as is well known to all those in this Council who have a special knowledge of revenue law, is one which permits the holder of a permanent tenure to grant a permanent lease to his tenant on any terms agreed between them, which may, of course, include any special provision regarding cess. I may inform the Council that two of the leading judicial decisions on the subject deal with such cases, with which the present Bill is not concerned.

These then, Sir, are the intentions of Government in connection with this Bill,—first to make a clean sheet of what has happened in the past ; and secondly, to lay down explicitly what will be considered contrary to law in future."

The motion was then put and agreed to.

The Calcutta Hackney-Carriage Bill 1918.

Maharajadhiraja Bahadur of Burdwan : Mr. Eden.

LIST OF BUSINESS—ITEM No. 4.

THE CALCUTTA HACKNEY-CARRIAGE BILL, 1918.

The Hon'ble SIR BIJAY CHAND MAHTAB, Maharajadhiraja Bahadur of Burdwan, moved that the Calcutta Hackney-Carriage Bill, 1918, be referred to a Select Committee consisting of the Hon'ble Mr. Duval, the Hon'ble Mr. Payne, the Hon'ble Rai Priya Nath Mukherji Bahadur, the Hon'ble Rai Debender Chunder Ghose Bahadur, the Hon'ble Rai Radha Charan Pal Bahadur, the Hon'ble Mr. Carter, the Hon'ble Mr. Eden, the Hon'ble Mr. Altaf Ali, the Hon'ble Babu Mahendra Nath Ray and the mover, with instructions to submit their report in time for its presentation at the September meeting of the Council.

He said :—

"My Lord, I do not think that it requires many words from me at this stage of the Bill, but I would like to point out to this Council that they have by now received the opinions from the different public bodies and associations on the Bill. Among these opinions, that of the Calcutta Corporation is undoubtedly the most important. In that opinion a new question of principle has been discussed, namely, that of the transfer of power from the hands of the Corporation to that of the Commissioner of Police. I may say that at the present stage Government propose to maintain an open mind on this question of control and will await the recommendations of the Select Committee before they decide what course to follow. It will therefore be open to the members of the Legislative Council to approve or otherwise the report of the Select Committee, when it is received, on this point. I may, however, point out to the representatives of the Corporation in this House that Government cannot entertain their proposal of transferring the power from the Commissioner of Police to the Corporation as regards the Calcutta Fire Brigade. This question does not arise as it is beyond the scope of the Bill."

The Hon'ble MR. EDEN said :—

"My Lord, when introducing this Bill on the 19th February last the Hon'ble Sir S. P. Sinha gave us a brief history of the events which have led up to the introduction of the Bill. There is one matter, however, to which he omitted to refer, and to which I now wish to call attention. At the Council meeting held at Dacca on 7th August 1916, when the Report of the Select Committee appointed to consider the Amending Bill of 1916 was presented, several Hon'ble Members offered suggestions for consideration when the new Consolidating Bill was being framed.

In speaking at that meeting to the motion that the Amending Bill be not further proceeded with, I recommended that when framing a new Bill to deal with the hackney-carriage service of Calcutta, the whole of the hackney-carriage services, whether horse drawn or mechanically propelled, should be placed under one controlling authority, and that bullock and buffalo carts, motor lorries, palanquins and rickshaws should be included in the scope of the new Bill.

In replying to the speeches of Hon'ble Members the Hon'ble Member in charge of the Bill, the Hon'ble Nawab Sir Syed Shams-ul-Huda, referred to the various suggestions which had been made; and with reference to the question of placing the regulation of hackney-carriages and motor cabs under one controlling authority he said that the matter would be considered before the new Consolidating Bill was placed before the Council, and he gave his assurance to Hon'ble Members that their suggestions would be taken into consideration and, if desirable, would be incorporated in the Consolidating Bill when it was drafted.

The Calcutta Hackney-Carriage Bill, 1918.

Mr. Eden.

The Bill has been published and has been circulated to the Corporation and other public bodies inviting their opinions on it, and from the replies which have been received, I see that there is a strong feeling which is supported by the Corporation that the Hackney-Carriage Department should be transferred from the Corporation to the Police.

Under the Bill which is now before the House, it is proposed to continue the anomaly whereby the registering, licensing and regulation of horse-drawn hackney-carriages are to be controlled by the Corporation, while those of taxi cabs are to be controlled by the police, and while at the same time the control of all vehicular traffic in the streets is in the hands of the police.

I do not want it to be supposed that I am dissatisfied with or find fault with the Corporation's administration of the Hackney-Carriage Department; I believe that much credit is due to the Corporation for their administration of the department within the limitation of the power provided for them under the existing Act; and in this connection it must be remembered that the Amending Bill of two years ago and the Bill now before the House is the direct result of many years of appeal to Government by the Corporation for greater and additional powers to enable them to exercise a more effective control and to deal more efficiently with the hackney-carriage service.

But although I am not expressing dissatisfaction with the administration and control of the Hackney-Carriage Department by the Corporation, I am of opinion that in order to provide the City of Calcutta with an effective service of public conveyances plying for hire, a great deal more requires to be done than the Corporation have given evidence of doing, or than it is possible to do under the present system of a department of the Corporation.

The object to be obtained is to secure the greatest efficiency with a complete power of control over all classes of public conveyances plying for hire. Such can best be obtained by a single control, and such control can best be exercised by the authority which already possesses the power of control over all classes of vehicular traffic in our streets.

The Corporation have recommended that the Hackney-Carriage Department of the Corporation should be taken over bodily and formed into a separate Traffic Department of the Police in charge of an officer of the status of a Deputy Commissioner.

I go further than this, and recommend that an entirely new department should be created which would administer under one combined control the regulation of the traffic in the streets as well as the registration and licensing of all public conveyances plying for hire, including horse-drawn hackney-carriages, motor taxi cabs, palanquins, rickshaws, motor lorries, and bullock and buffalo carts. The department should be under the control of the Commissioner of Police with an officer of the rank of a Deputy Commissioner in charge of it, who would give his whole time service to the department. This new department would take over the present Hackney-Carriage Department of the Corporation and also the present Motor and Taxi Cab Department of the Police; the two should be amalgamated and such other departments which deal with bullock and buffalo carts should be included.

I shall be sorry to delay the passing of a Bill which has for its object the improvement of the hackney-carriage service. Such a measure has already been too long delayed, but while the matter is before us, it is better to submit to some further delay if by doing so greater improvement can be obtained.

In supporting the motion that the Bill be referred to a Select Committee, I do so, with the recommendation that the Select Committee shall consider the proposals which have been made for the creation of a new department to control all public conveyances plying for hire.

There is another matter to which I wish to refer. Several proposals have been put forward recently, which have received a considerable amount of support for the more humane treatment of hackney-carriage animals.

The Calcutta Hackney-Carriage Bill, 1918.

Rai Mahendra Chandra Mitra Bahadur.

These proposals may be summed up as :—

(1) The provision of stables for hackney-carriage horses under the control of the authority administering the Act.
(2) The provision of veterinary care and inspection of animals and the control of the hours worked by and the condition of animals.

A very strong opinion is held that in no other way can the humane treatment of hackney-carriage horses be secured.

In putting forward this proposal for the care of horses, I have no intention of advocating that the cost of hackney-carriages to the public should be increased or that the vested interests of owners should be unduly interfered with or their legitimate profits decreased. But I repudiate any suggestion that the public desire cheapness of fares at the cost of injustice and inhumanity to dumb animals and I must leave the working out of an equitable settlement of the interests of the public and of the owners to subsequent enquiry and arrangement.

There is no doubt that at present there is a vast amount of cruelty to hackney-carriage horses: the fact that about 2,500 prosecutions by the Society for the Prevention of Cruelty to Animals in one year in respect of horses were successful is convincing evidence."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

" My Lord, I venture to place a few suggestions before this Council.

The Hackney-Carriage Act, Bengal I of 1864, was introduced in the Bengal Legislative Council by Nawab Abdul Latif Khan. The objects of the measure were to avoid the extortion of native livery stable-keepers, to provide a regulated scale of fees and to place the relations between the carriage-hiring community and the owners and drivers of *gharries* on a satisfactory footing. Mr. F. R. Cockerell's amending Act V of 1866 which was a retrograde movement was amended by Mr. Reynolds' Act in 1878. By this Act the Local Government placed the registering officer under the control and supervision of the Calcutta Corporation. The Hon'ble Mr. Cotton, in introducing the Bill, remarked that the public of Calcutta, both the residents and visitors to the place, have complained, and with good reason, of the extreme inefficiency of the ticca *gharries* of the city and of the disreputable manner in which they are turned out. We are concerned in framing good and effective laws. There is a public sentiment that the present Act has not done much good. The same high charge and extortionate demand of *gharriwallas* exist as it were in 1864, 1866 and 1878. The Hon'ble Mr. Cotton observed that the expression 'suburbs of Calcutta has, however, no legal meaning since the greater portion of the old suburban municipality has been amalgamated with the town. It does not and never did include Howrah. But at present the Corporation conducts the business not only for the town but also for neighbouring municipalities including Howrah and makes over to them a certain portion of the registration fees. In order to legalise this procedure the new Bill authorises the Local Government to include or exclude within the limits of Calcutta any local area in the vicinity of the same. Although there is a clause in the Bill empowering the Lieutenant-Governor to extend its provisions to any town or place it would seem that such extension implies a separate administration and not the administration by one authority—*vide* 1st April 1891 *Calcutta Gazette*, Part IV, paragraph 12.

The present Hackney-Carriage Bill is framed to consolidate and amend the law relating to hackney-carriages and palanquins and to make certain provisions with regard to rickshaws in Calcutta. The Bill when passed into law may be extended by clause 2 to any other town or local area and by clause 82 effect is to be given to the provisions of the Act. It is, therefore, necessary that I should venture to discuss some of the principles enunciated

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in the Bill for the consideration of the Council. Just as you come to Sealdah or Howrah Railway station your trouble commences with the hackney-carriage drivers. One feels that the charge is exorbitant and sometimes extortionate. The intention of the Bill is to do away with this inconvenience. In every mufassal town where the present Act is in operation the remark applies in full force. To begin with, the definition of 'hackney-carriage' is defective. In the mufassal motors are excluded from being taxed. If marketable commodities only are taken in hackney-carriages, will the definition given be sufficient? In clause 6 the power of removal of the Registering Officer does not appear clearly. The present Act, however, allows that (section 5, clause 3). The commencement of the year should be from April to be consistent with the provisions of section 123 of the Bengal Municipal Act for levying a tax on a carriage or horse. In clause 9(*1*) I do not think it will be judicious to introduce the words 'any person' for the word 'owner.' Ownership and possession should be traced to the hackney-carriage. This principle should not be lost sight of. In clause 13, there is no provision for suspension and cancellation of the registration of a carriage if any horse or harness used in such carriage is found unfit for public use. The present Act contains no such principle. The words 'duly registered under the Act' under clause 17(*1*) have given rise to a few Judicial decisions. There is nothing in the clause which indicates the local area.

Provision in the Bill should be made to do away with this ambiguity and the words 'duly registered' under the Act should be supplemented with the words 'duly registered' in the Act within the local area or the municipality wherein the carriage is intended to be used or plied for hire.

The Bill now before the Council does not provide anything to prohibit double registration and the levy of double fees like that of Calcutta and the suburbs. It is necessary that there should be a distinct provision in the Bill. I may refer to the proceedings of the Legislative Council, dated 18th April 1891, when the Hon'ble Sir Henry Cotton presented the Hackney-Carriage Bill. Clause 82 of the present Bill demands amendment. It is the intention of the framer of the Bill to allow amalgamations of one or more municipalities. This may be allowed as the case in Calcutta. There are various other points which the mufassal municipalities may present to the Council for being introduced into the Bill. Supposing a railway station is without the limits of a municipality, can the Commissioners compel the driver of a hackney-carriage to take the passengers to the station under the Hackney-Carriage Act? Practical difficulties were felt in administering the Hackney-Carriage Act and many prosecutions were unsuccessful. Again passengers felt a difficulty to pay legal hire to the drivers and there was none to enforce the law in the railway stations. A complaint in the Magistrate's court is felt to be very troublesome and vexatious There ought to be some remedy to put an end to the trouble of the passengers. The police officers are also bad customers. Sometimes these hackney-carriage drivers decline to go to the railway stations which are not within the limits of the municipality. These are matters of daily experience to those who are in charge of municipal affairs in the principal towns outside Calcutta. I beg to bring to the notice of the Hon'ble Member in charge of the Bill to modify the provisions of the Bill so that the Bill when passed may remedy the grievances of the people who stay in the principal towns where the law is to be extended. It is very difficult to state concrete cases within a limited time to pursuade him as to the absolute necessity of making the law elastic so as to meet the difficulties felt by the rate-payers residing within the jurisdiction of mufassal municipalities. There are places where hackney-carriages and horses are kept in stables which are outside the limits of municipal towns. There ought to be provisions to regulate the fare which the drivers demand.

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Rai R. C. Pal Bahadur; The President; Maharajadhiraja Bahadur of Burdwan.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I do not know whether I shall be in order to move a slight amendment. The members of the Select Committee have been selected by Government without any reference to the wishes of non-official members composing the Council. That is the practice which has been going on ever since I have been associated with the Council and long before that. I do not know whether I shall be in order to move an amendment to the effect that the name of the Hon'ble Rai Mahendra Chandra Mitra Bahadur be added to the Select Committee."

The PRESIDENT said :—

"The Hon'ble Member is entitled to move amendments at this stage and it will then be for the Member of Government in charge of the Bill to express his view with regard to the amendments moved."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"With Your Excellency's permission I move an amendment that the name of the Hon'ble Rai Mahendra Chandra Mitra Bahadur be added to the Select Committee. The Hon'ble Member has studied the Bill carefully and I believe that his presence in the Committee will facilitate the work of the Council and we shall be benefited by his advice as coming from one who has been the Chairman of a mufassal municipality for many years.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of Burdwan said :—

"I am quite prepared to accept the amendment of the Hon'ble Rai Radha Charan Pal Bahadur."

The PRESIDENT said :—

"Unless any other member wishes to speak on the amendment, I will put the amendment now. The discussion on the main question can then continue."

The amendment was then put by the President and carried.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I shall now make some observations in regard to the Bill. I must point out that the different amending Acts were all introduced into the Council mainly on the recommendations of the Corporation of Calcutta. The Bill which is now before us is also the outcome of the recommendations of the Corporation. My Hon'ble friend Mr. Eden, although he desires that hackney-carriages should be placed in the hands of the Commissioner of Police, still pays a tribute to the efficiency with which the administration of the Hackney-Carriage Department was carried on by the Corporation. My Lord, a new proposal has been made by the Corporation that the Hackney-Carriage Department should be taken out of the hand of the Corporation and made over to the Commissioner of Police. Those who have perused the proceedings of the Corporation must have observed that that motion was carried by a bare majority. In fact I remember that when votes were taken there was an equality of votes and the Chairman was in a fix on which side to give his casting vote. Then a poll was taken and it was found that one or two of the Commissioners came to the Chairman's rescue. Therefore it will be seen that the opinion of the Corporation was very distinctly divided on the subject. My Lord, there was another condition on which their recommendation for giving up the Hackney-Carriage Department was made and

The Calcutta Hackney-Carriage Bill, 1918.

Rai R. C. Pal Bahadur.

that condition, which was accepted on the recommendation of the Chairman of the Corporation, was that the Fire Brigade should be made over to the Corporation in exchange. I believe that the Corporation would not have agreed to part with the Hackney-Carriage Department if they knew that they could not get the Fire Brigade Department in exchange. I understand from what has fallen from the Hon'ble the Maharajadhiraja Bahadur that no such bargain can be entertained, and therefore I think that the recommendation of the Corporation to make over the Hackney-Carriage Department to the Commissioner of Police also falls to the ground, because it was a conditional offer and in no way an unconditional one. The Hon'ble Mr. Eden suggested that there should be an entirely new department which shall have control over not only the motor service, the taxi cab, the hackey-carriage but will also include bullock and buffalo carts—that, of course, is not included in the recommendations of the Corporation—and that they should be under a superior officer who shall be under the Commissioner of Police. He thinks that if his suggestion is adopted there will be an improvement in the condition of carriages and carts and even of animals. But, my Lord, I must say this that while there is some force in the observation that these should all come under one department, I do not see why he is so anxious to overburden an already hard-worked department with more work when they cannot cope with the ordinary traffic in the northern quarter of the town. Why should this department be under the nominal charge of the head of the Calcutta Police? There is the Corporation of Calcutta who will be better able to take charge of such a department than the Commissioner of Police who is already overburdened with work. Of course, a single officer will be the dictator over this department. But I think in these days of progress it would be going backward to place the administration under one person. A public administration like the Hackney-Carriage Department to which may be added the motor service, the cart registration, etc., may be amalgamated and placed under the Corporation. In your country, my Lord, I find that the Hackney-Carriage Departments are in the hands of public bodies—the District Councils and the County Councils. I find on page 83 of the book 'Local Government,' by Wright and Hobhouse, that the licensing and registering authorities of hackney-carriages are the District Councils. And why should it be made over to the Commissioner of Police here? Why should it be placed in the hands of a single officer? It would be going behind the times in this progressive age. Then, my Lord, it has been proposed that like the traffic the registration of hackney-carriages should also pass under the control of the Police. But this requires a knowledge of the diseases of animals, the condition of horses and carriages and such other things and I think it requires expert knowledge and the Commissioner of Polce is least capable of doing it. These things should be left to an expert staff such as the Corporation have got. It may be said that Corporation have passed a resolution recommending the transfer. But it must be borne in mind that the bare majority were led to believe that by giving up the Hackney-Carriage Department they will get the Fire Brigade. But that is not to be the case now as has been declared by the Hon'ble the Maharajadhiraja Bahadur. Ever since 1878 the Hackney-Carriage Department of the Corporation have carried out their work admirably. There have been considerable improvements in carriage, etc., as a result of the admirable suggestions made by various members of the Corporation who took an interest in the affairs of hackney-carriages. As regards the history of the transfer of the Hackney-Carriage Department to the Corporation from the hands of the Police, I might remind the Council that it was done at the instance of a Police officer who was also a Deputy Commissioner of Police. I allude to John Blessington Roberts who came out from Scotland Yard as a constable and rose to be the Chief Magistrate of Calcutta. He was a most active member of the Corporation. His motion for transferring the hackney-carriage service to the Corporation

Resolutions.

Babu K. M. Chaudhuri; Mr. Crum.

was carried. The Government accepted the decision of the Corporation at the recommendation of Mr. Reynolds who was appointed to inquire into the matter and the Bill was accordingly passed in 1878. Ever since that time the Corporation have been administering the affairs of the department and no reason has been shown why it should now be transferred again to the Commissioner of Police. Some have observed that there is bribery in the Corporation Hackney-Carriage Department. But there is bribery also in the Police Department. The *gharriwallahs* should not be fleeced both ways. That sort of arrangement, my Lord, was placed before the Corporation. Like the traffic Police the registering Police may constitute a separate department but that won't save the *gharriwallahs*. They will have to pay the subordinate Police staff both in the Registration and Traffic Departments, if they are so inclined. On these grounds, my Lord, I strongly oppose the transfer of the Hackney-Carriage Department to the Police. I am gratified to know that Government have kept an open mind in the matter. Although the Chairman of the Corporation and I are in opposite camps in this matter—the idea of transfer emanated from him—I am sure the select Committee, constituted as it is, will give it its due consideration."

The motion was then put in the following form and agreed to:—

"That the Calcutta-Hackney Carriage Bill, 1918, be referred to a Select Committee consisting of the Hon'ble Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, the Hon'ble Mr. Duval, the Hon'ble Mr. Payne, the Hon'ble Rai Priya Nath Mukharji Bahadur, the Hon'ble Rai Debender Chunder Ghose Bahadur, the Hon'ble Rai Radha Charan Pal Bahadur, the Hon'ble Mr. Cartor, the Hon'ble Mr. Eden, the Hon'ble Mr. Altaf Ali, the Hon'ble Babu Mahendra Nath Ray and the Hon'ble Rai Mahendra Chandra Mitra Bahadur with instructions to submit their report in time for its presentation at the September meeting of the Council."

LIST OF BUSINESS—ITEM No. 5.

RESOLUTIONS.

(Under the rules for the discussion of matters of general public interest.)

The Hon'ble BABU KISHORI MOHAN CHAUDHURI asked permission to withdraw the following resolution:—

This Council recommends to the Governor in Council that a Committee of officials and non-officials be appointed to inquire into and report upon the desirability of taking legislative action for discouraging professional beggary in all municipalities in Bengal including Calcutta.

He said:—

"My Lord, as there is a difference of opinion among the Hon'ble Members and having given the matter my best consideration, I ask for Your Excellency's permission to withdraw the motion."

The Hon'ble MR. CRUM, in objecting to the motion being withdrawn, said:—

"My Lord, with regard to this motion, I shall in my remarks not discuss the municipalities other than Calcutta; because, first, I have no knowledge of the municipalities outside Calcutta; and, secondly, their treatment, speaking generally, should be quite different from that accorded to Calcutta.

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Mr. Crum: Rai R. C. Pal Bahadur.

There are three classes of beggars in Calcutta. First of all, there is the religious mendicant; secondly, the professional beggar who sets up his house in the corner of the streets and goes there every day; and thirdly, the casual and really indigent beggar. Now, of these three classes I am perfectly certain that as regards the religious mendicant no Member of this Council has any desire to interfere with in any way or to offend in any way the religious susceptibilities of the people of Bengal. I, therefore, propose to leave the case of religious mendicants out of my consideration.

As regards the professional beggar, I think that anybody who has been through the streets of Calcutta and seen the conditions of these beggars must agree with me that something is really and urgently necessary as regards the present powers of the Commissioner of Police, Calcutta. Under the Calcutta Police Act, there are powers to arrest beggars generally and to deal with them under sections 70 and 70A of the Calcutta Police Act. Section 70 gives power to a Magistrate to imprison a beggar for one month with or without hard labour. Section 70A gives power to a Magistrate to send a beggar to a certain place such as the Refuge, specially set up for the purpose. Section 70 deals really with the professional beggar who sits in a corner of the street and elicits the sympathy of the passers-by and finds it much easier to obtain his livelihood by begging than by any other means. Sometimes a child or a woman is sent out to beg and a man farms and collects their daily saving. It is interesting, I think, to discuss the results that this section of the Act has achieved. Last year, I am told, in Calcutta 2,739 beggars were arrested. Out of these 2,151 were either dismissed with caution or detained until the Court had finished sitting. About 130 were sent to the house of juvenile detention and a few more were sent to the Leper Asylum and five more sent to the Refuge. I submit, my Lord, with reference to professional beggars who sit in the corners of streets daily, that there is either something defective in the Act, or that the Magistrates do not take seriously enough the behaviour of these people.

Then, we have the third class, *i.e.*, the real casual beggar; and I am quite satisfied that there are a number of people in Calcutta who are really indigent and there is nothing at present to provide for these people except the Refuge and a few similar institutions of charity. I am afraid I am opening out a very big question, but it does seem to me that the time has come when the whole question should be discussed. The position is, however, quite different in the villages. I am told that in the villages—although I am not myself acquainted with the conditions of affairs there—there is still a very wonderful system of private charity; while in Calcutta that has gradually disappeared. The associations of the Hindu joint family system are nothing like so strong as they were 20 years ago. Therefore, seeing the number of the really poor beggars in the streets who are unable to provide for themselves, it seems to me that the time has come to provide for these people by some kind of work-house or institution or alms house. The Refuge is the only place at present where they can go and the people in charge of that institution do the utmost they can to keep it going. But Hon'ble Members who have seen it will agree with me that it is not a very desirable place; all classes are mixed up there and it is in a very undesirable locality in Bowbazar Street. What I propose is not legislation but examination, and I do not know whether legislation is necessary or not; but I think that the time has come for an enquiry into the whole condition of the poor in Calcutta. I hope Government will see their way to accepting this resolution in this sense that an enquiry may be held into this matter, which I feel is a real disgrace to the fair name of Calcutta."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said:—

"I do not know, my Lord, whether this motion has already been withdrawn or is still being discussed."

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The President ; Rai R. C. Pal Bahadur.

The PRESIDENT said :—

"The question of the withdrawal of a motion rests with the Hon'ble Members of this Council. A motion cannot be withdrawn except by leave of the Council ; when I asked that by pleasure of the Council the motion might be withdrawn an Hon'ble Member rose and objected to this being done, as he wished to discuss it. The resolution must therefore be discussed before it is disposed of.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"This is a very interesting subject and I have some knowledge of the sort of begging that goes on in Calcutta. The discussion that has been raised by the Hon'ble Mr. Crum is also interesting from another point of view. The first issue is whether we should approach Government to take some steps in connection with the professional beggars and, secondly, whether any legislative action should be taken in connection with the matter. So far as professional beggary is concerned, it is confined, apart from religious mendicants, to that class of persons who make something out of the earnings of disabled beggars. That is to say, these men employ the beggars and collect their earnings and feed and look after them. The beggars are generally cripples and the men who employ them are of the very lowest class. Whether a home should be provided for the beggars is a matter for the consideration of Government. I think it is quite within the power of Government to provide some place for these helpless poor. Then I come to the next class of beggars—persons in distress who cannot actually come and beg in the street. This class, I should say, is growing day by day. A man earning Rs. 10 or 20 a month dies, leaving his family consisting of his wife and, say, one or two children destitute. They cannot beg from street to street as they had some sort of respectability. As Secretary of the Indian section of the District Charitable Society I have to deal with this class of people. I do not know whether this motion will be accepted by Government, but if an inquiry is started, it will bring all these facts into light and steps may be taken to train this section of the poor to learn some sort of industry and earn their living. It may be said that there is private charity. There is indeed among the Hindus the system of *mushti bhiksha*, that is to say, a beggar can call any morning in any Hindu house, before the hour of the last meal, and get something from the mistress of the house either in the shape of cooked food or at the least a handful of rice. In that way a large number of mendicants eke out their living in Calcutta. But I am not asking relief for them. I am more concerned with the distress of the crippled and the *Bhadralog* poor, who cannot go from door to door, and it is a question which should be considered by our community. As regards the Alms House, I may inform the Council of its history. It was in the early thirties that the idea of a Alms House was first mooted. A committee is now sitting under the auspices of the District Charitable Society to consider the matter of providing a new Alms House. Looking into the past history I find that a joint committee was appointed in the early thirties and even the idea of an Indian Alms House was considered by a special committee consisting of Ram Gopal Ghose, Rama Nath Tagore and others. I find among the old records that only about Rs. 2,000 was provided for an Indian Alms House. But the idea was abandoned when it was found that not many Hindu or Muhammadan widows would resort to it. The difficulty is still the same. Those who have got some sort of respectability would never go to such a home. The professional class of beggars will not come either as they find street-begging more profitable and they are disinclined to do even the slight work which they would be required to do in the Alms House. These are the questions to be considered by Government who should ascertain what are the needs of the country at the present time in regard to this important matter.

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Rai D. C. Ghose Bahadur ; Mr. P. C. Mitter.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said:—

My Lord, if my Hon'ble friend Babu Kishori Mohan Chaudhuri had chosen to press his resolution for consideration, I should have felt very great difficulty in giving my support to him having regard to the words of his resolution because he wants the appointment of a Committee not to suggest means for the alleviation of distress in the town of Calcutta and other municipal towns in the Presidency but to report upon the desirability of taking legislative action for discouraging professional beggary in all municipalities. Speaking for the town of Calcutta I think there is sufficient legislative provision in the powers given to the Commissioner of Police in this matter. I do not think that without providing poor houses for meeting the wants of people who are obliged to beg, we should take legislative action for the purpose of further discouraging professional beggars. I do not like to be hard upon the poor, as the poor are always with us. If they cause you annoyance you have to put up with that annoyance to some extent, and I think the time has arrived when you should seriously consider whether you should have poor houses in all municipal towns. I think after you provide that, there will be time enough for giving more powers to the Commissioner of Police to arrest people for begging for alms in the streets and send them to a place where they would be under no necessity for seeking alms. That is, my Lord, my attitude in this matter."

The Hon'ble MR. P. C. MITTER said :—

"The question which has been raised is a very interesting one, but a little consideration will show Hon'ble Members that this is not so much a question as to how to deal with this problem but one of ways and means. It is for that reason that, with Your Lordship's permission, I would move the following amendment :—

'This Council recommends to the Governor in Council that an inquiry be held into the question of professional beggary in the town of Calcutta, to suggest practical steps to effectually put a stop to such beggary and inquire into the causes thereof.'

My Lord, the object with which I have ventured to propose this amendment is that Your Lordship's Government as well as the public should know what the real problems are. At the present moment we have a general idea of the problem, but more than that is necessary. We should know, for example how much we shall have to pay for effectually stopping beggary which is a source of great annoyance in Calcutta. At the present moment we are told that Magistrates are often disinclined to impose drastic sentences. It is not for me to question the acts of these Magistrates, but I think it is rather cruel that a man should be sent to jail without allowing him an opportunity to earn his livelihood. As regards the man who, in spite of such opportunities, would not avail himself of them it may not be improper to send him to jail. As we have no institution where a man can earn his living, it is only right that we should know what the total cost for such institutions will be. There is one more point to which I should like to draw attention of Hon'ble Members. In my amendment I have limited it to the town of Calcutta and I have done that, my Lord, for more than one reason. We all know that the mufassal towns are comparatively poor. Questions of the most pressing importance—questions of water-supply, drainage, and of education which vitally affect the health and the life of the dwellers of these municipalities are neglected, and apart from other reasons they are neglected because of the poverty of the municipalities. We all know that save and except the towns of Howrah and Dacca and the mill municipality of Bhatpara, there is not a single municipality which has a population of more than fifty thousand. These being the condition of affairs in these municipal areas it will perhaps

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be unjust to saddle them with the expenses of looking after their beggars. The second reason why I have limited it to Calcutta is because the question is not as pressing in mufassal municipalities as it is in Calcutta. The third reason is that if any municipal town can bear the expense it is Calcutta. For these reasons, my Lord, I move this amendment."

The Hon'ble MR. MACKENZIE said :—

"My Lord, I could not quite catch why the Hon'ble Mover of this resolution wished to withdraw it, but I strongly support the Hon'ble Mr. Crum in his suggestion that some enquiry on the line suggested in the resolution should be proceeded with, as there is no doubt that the nuisance which the resolution seeks to discourage is a growing one. As the Hon'ble Mr. Crum has pointed out, under the Calcutta Police Act and the Calcutta Suburban Police Act, the Police have powers to deal with the matter so far as Calcutta and its suburbs are concerned, but it is quite obvious that these powers are insufficient inasmuch as notwithstanding a large number of arrests, amounting in the case of Calcutta to some 3,000 or more per annum, the Commissioner finds it extremely difficult to rid the streets of these beggars. He therefore finds it necessary to ask for additional powers to enable the Police to deal satisfactorily with this problem. I hope that these powers will be given him and will also be extended to other parts of the Presidency. There is a special feature of the nuisance to which I wish to direct particular attention and that is the large number of beggars one sees in the streets suffering from unsightly diseases. In their own interest no less than in the interests of the public generally those unfortunate people should be removed from public thoroughfares. I understand that under section 70A of the Calcutta Police Act Government may, by notification in the *Calcutta Gazette*, declare any institution situated either in the town of Calcutta or in the suburbs thereof to be a refuge for the reception of aged, infirm or incurably diseased persons convicted and sentenced to imprisonment under section 70. So far as I understand only one such place has been so notified—the Refuge in Bowbazar Street—and as the Hon'ble Mr. Crum says this Refuge is not a very satisfactory institution and I understand, moreover, it is largely supported by public subscription, I suggest that it is not right that the support of an institution of this kind should be left to individual effort. To my mind it is clearly the duty of the Government to provide suitable accommodation for these unfortunate people and, if need be, to tax the whole community for its maintenance. I hope that if an enquiry is made, this feature of the case will not be overlooked."

The PRESIDENT said :—

"The original question before the Council is—

'This Council recommends to the Governor in Council that a Committee of officials and non-officials be appointed to inquire into and report on the matter with a view to taking legislative action for discouraging professional beggary in all municipalities in Bengal including Calcutta.'

To this an amendment is proposed by the Hon'ble Mr. P. C. Mitter in the following terms :—

'This Council recommends to the Governor in Council that an inquiry be held into the question of professional beggary in the town of Calcutta, to suggest practical steps to effectually put a stop to such beggary and to inquire into the causes thereof.'

I would point out to the Hon'ble Member that as the amendment has only just been handed in, it is open to any Hon'ble Member who desires to do so, to object to the amendment being moved. Is it the pleasure of the Council that the amendment be moved?"

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Sir H. Wheeler.

Objection not being made, the Hon'ble SIR HENRY WHEELER said :—

"My Lord, it will be convenient if I now briefly indicate how this question is regarded by Government, and possibly in the light of what I may say, it may be regarded as unnecessary either by the mover or by the Hon'ble Mr. Mitter to move either the substantive resolution or the amendment.

The attitude of Government in this matter is one of full recognition of the important considerations involved, but it is also inspired by a certain degree of caution as to whether we have yet reached the stage of setting on foot a formal enquiry of the type contemplated in the resolution. There is a defect in the resolution, and I doubt whether it has entirely been cured by the speeches that have been made to-day, inasmuch as although it refers to the advisability of legislation on a somewhat difficult question, it gives very little inkling as to the kind of legislation which is to be advocated. As has been pointed out, especially in Calcutta, certain legislation is already in force. Outside Calcutta, it is of a very mild kind, merely covering that section of the Police Act which makes it an offence to expose or exhibit any bodily ailment or deformity. In Calcutta, the law is a little more elaborate ; a man may be arrested for begging and on conviction he may be sent to jail or to a Refuge. Still, even in Calcutta, it is somewhat elementary legislation, and, as we have also been told, it has not been very effective in its working. A certain number of men are run in every year and in a very short time they resume their previous activities. But the solution of putting a man in jail, even if the permissible term was extended, say to six months or so, is not final or satisfactory. The difficulty cannot be met merely by penal action, and if we go further than provisions of this description, we drift quickly, as has been recognised this morning, into something of the nature of a Poor Law. I have always understood that it has been regarded as one of the happiest features of Indian social organisation that, unlike less fortunate countries in the West, it has been possible, hitherto in this country to deal with this question of extreme poverty by the existing recognised social obligations instead of having to invoke the more elaborate and less elastic machinery of official relief. I apprehend that there are still large sections who would prefer to see the problem continue to be grappled with on these lines rather than by more mechanical State methods.

But apart from that, we have also special difficulties in India, such as the case of religious mendicants, as also the religious aspects of the distribution of charity. Moreover, when we get to a Poor Law we are entering upon what has been found in the West to be a most difficult and complicated problem, a problem upon which even now there are very divergent schools of thought, and a problem which is far from being satisfactorily solved. Any sort of official relief, as contrasted with private charity, is inevitably somewhat hard and unsympathetic, as it is bound to proceed according to rules and regulations in a matter in which human sympathy and understanding play a large part. But we have also to differentiate between different types of beggars—the man who is the victim of circumstances, the maimed, the halt and the blind, for whom asylums may be required ; or again the person who is referred to in old literature as the incorrigible rogue, the man who can work but won't work, against whom more drastic methods must be employed ; then there are the deserving poor, suffering more from misfortune than their own fault, for whom any form of indoor relief may be inappropriate unless characterised by greater elements of kindly charity than is usually possible under such a system. All these are difficulties of the problem, and as the Hon'ble Mr. P. C. Mitter has remarked, they are all matters which involve very great expense. Poor Law is ordinarily administered from local poor rates, and their imposition is bound to add considerably to the existing burden of local taxation. The problem cannot be merely solved by asking Government to help, although I may inform the Hon'ble Mr. Mackenzie that to 'the

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Mr. P. C. Mitter; Mr. Crum; Moulvi Fazl-ul-Haq.

Refuge' Government has in the past made very considerable contributions; only the other day a sum of about Rs. 50,000 was given to it, in addition to previous large donations.

These being the facts, we feel that it would be a little premature to appoint a committee at this stage, but we are willing to do what will probably meet the Hon'ble Members' wishes, and that is to address those persons and bodies likely to be interested in the subject, and make enquiries of them as to whether the problem of professional beggary has assumed serious proportions and on what lines they would recommend action against it; also by whom the cost of any such relief should be met. Some Hon'ble Members would confine the enquiry to Calcutta, but while I fully admit that the case of Calcutta differs very considerably from that of *mufassal* municipalities, the case of the latter has been introduced into this debate, and it may perhaps be as well to include it in the reference. By writing round to all and seeing what the general trend of opinion is, material will be collected from various bodies—in Calcutta from the Corporation, the District Charitable Society, etc.—and we shall know how we stand and what steps can best be taken. If we then find, in the case of Calcutta in particular, that there is room for a more elaborate enquiry, I do not think that we shall hesitate to undertake it."

The Hon'ble MR. P. C. MITTER said :—

"My Lord, after what has fallen from the Hon'ble Sir Henry Wheeler, I think our purpose will be served by getting more information; and later on perhaps Government itself may bring forward what is necessary. Under these circumstances I do not wish to press my amendment."

The Hon'ble MR. CRUM said :—

"I agree with the Hon'ble Mr. Mitter and have no objection to the resolution being withdrawn."

The resolution and the amendment were then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ moved the following resolution :—

This Council recommends to the Governor in Council that a Committee be appointed to consider what recommendations can be made to Government for bringing about as much improvement as possible in the present conditions so as to reduce the acute distress prevailing in the country owing to the present high prices of cloth.

He said :—

"It is with somewhat confident feelings that I rise to move this resolution. The acute distress that has been prevailing for some time past in the country is now too much a matter of common knowledge to need any discussion in this Council. I doubt if there is at the present moment any other matter, so far as the Indian section of the population is concerned, which is causing to any equal extent the apprehensions that have been aroused in the minds of all classes of the community by the high prices now prevailing of cloth. It is also an admitted fact that this acute distress is due to the abnormally low prices of rice and jute, and also to the abnormally high prices of cloth. As is well known, in former years a cultivator could purchase at least two pairs of *dhotis* by selling one maund of rice and at least three pairs by selling one maund of jute. Roughly speaking, under the present conditions he has to sell

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about two maunds of rice or jute in order to be able to buy one pair of *dhotis* —I am told that even two maunds would not be sufficient. Roughly speaking, the expenses of a cultivator have gone up four times and have put an unnecessarily heavy burden on his otherwise slender resources.

My Lord, I find on the agenda paper this morning that amongst the interpellations that have been made, there are no less than 12 questions relating to the high prices of cloth and also to the connected question of the cultivation of cotton in a larger measure in order to provide some sort of remedy for the present condition of things that is now prevailing in this country. I believe it is known to the Hon'ble Members of Council that there are reports of many a sad tragedy in the domestic life of the people—cases in which people have committed suicide for not being able to purchase the necessary wearing apparel for themselves or members of their family. In answer to one interpellation, Government stated that there was at least one genuine case of this character that had been substantiated on enquiry, but I believe that there are many cases that have not been reported in the newspapers and which have not come within the purview of the innvestigation that was set on foot by Government. I have reason to believe that more cases of suicide have happened within the last few months than would appear in answers that have been given to the interpellations. Therefore, it goes without saying that it is the bounden duty of Government to try and take immediate steps. I am also aware that Government itself was keenly anxious to meet the requirements of the situation and trying its very best to find out some remedy. I find that this question was brought to the notice of Government as long ago as the 4th September 1917, by a question that had been put by my Hon'ble friend, Babu Bhabendra Chandra Ray, to which the Government was pleased to give the following reply :—

'The Local Government are aware that, as is unfortunately the case with other articles, the prices of *dhotis* and cloth have risen recently. No special enquiry into the circumstances leading to this result is contemplated, as the main facts relative to the effects of the war on manufacture and freight are known, and it is to these effects in general that the rise may be attributed. Government is not aware of the precise stocks of cloth at the moment avilable in Calcutta, while the legislation to which the Hon'ble Member presumably refers is contained in Ordinance IX of 1914. As at present advised the Local Government do not consider that there is a case for action under that Ordinance in the matter of imported cloth, which is apparently the course which the Hon'ble Member has in mind.'

Then a resolution was moved on the 19th February 1918, by the Hon'ble Babu Akhil Chandra Datta, to regulate the prices of the necessaries of life including cloth, etc. To this resolution, the Hon'ble Sir Henry Wheeler gave a lengthy reply and although Sir Henry opposed the resolution, he gave us something like a history of the efforts that had been made to meet the situation. Sir Henry added that, although profiteering might have been going on, the difficulty was really one of supply, and he concluded his speech by saying : '*What we can do, we will do.*' These are *italicised* by way of prominence. I would have made certain definite suggestions, but I prefer to ask Your Excellency's Council to appoint a committee. Whatever suggestions may now be made by us, they may be open to the objection that we are not in possession of all the facts and therefore are not in a position to advise Government. It is admitted that Government is quite as anxious as anybody to do whatever can possibly be done and the only question is of ways and means. I submit, therefore, that a Committee would be in a better position than any individual member of the Council to consider the question and to consider all the proposals that can be put forward by those interested in the matter, and if all these questions are considered a conclusion will be come to satisfactory to all concerned.

"My Lord, I beg to refer to one matter of very great importance that there is a popular belief—I have been very much surprised to hear it—that Government is not willing to undertake any steps for regulating the prices of

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cloth, etc., because the Government is very much afraid of displeasing the Marwari community. I find that several members of that community are in the upstairs visitors' gallery to-day. I think that they have taken the alarm lest the non-official majority in this Council may force their will on the official minority, but whatever that may be, I should like to hear from Your Excellency's Government a disclaimer of the apprehensions that have been aroused in the minds of the public by these rumours. This can more effectively be done by accepting this resolution."

The Hon'ble SIR HENRY WHEELER said :—

My Lord, it is scarcely surprising that in the present economic circumstances of the province we should again have ventilated in this Council this very difficult question, and I take no exception to any discussions which are likely to throw any light on a possible solution of it. The matter, as the Hon'ble Mr. Fazl-ul-Huq has said, came before us in February last, and in the course of the remarks that I then made, I brought forward certain points: firstly, that it was undoubted that prices had risen considerably. I could corroborate this by subsequent and later figures, though it is scarcely necessary to do so, as the facts stand beyond all dispute. Secondly, however high our local prices may be in Bengal, they are substantially below the prices at which fresh piece-goods could be brought out from Manchester at the present moment. Thirdly, while profiteering may have been going on, the real difficulty—the essential factor in the whole situation—is the shortage in supply, due to conditions arising out of the war and to the comparative failure of the cotton crop in all parts of the world with the resultant high prices of raw material. These conditions unfortunately still hold good, although the happenings of later months have given prominence to other points which are extremely relevant, namely, that our imports since the war have dwindled very seriously year by year, while as regards forward business, the situation now is anything but satisfactory.

The diminution of imports can be substantiated in detail by figures and it is beyond doubt, but as giving a concise idea of the facts, I may draw attention to statistics which recently appeared in the papers on the authority of the Bengal Chamber of Commerce, which showed that importations of cotton piece-goods for the four years 1914-15 to 1917-18 had been, respectively, 2,418 millions of yards, 2,116 millions of yards, 1,890 millions and 1,353 millions. So in four years we have got down from 2,418 to 1,353 million yards. There has been a corresponding rise in local production, but it is in no sense sufficient to make good the gap, and on taking the total of the two there is still a very serious deficit. Again, figures which the Collector of Customs has lately given me for Calcutta only, show that in the years 1914-15 to 1917-18 the percentage of annual diminution of imports of all kinds of cotton goods were successively 14, 26, 38 and 51 per cent. as compared with the first year of the series. That unfortunately is a serious position, the more so when it is read in the light of the fact that Manchester prices are still some 25 or 30 per cent. above ours. That is the crux of the whole situation—how to get more stuff; and no amount of regulation or control will re-establish cheap prices unless we can tackle that difficulty.

In February last I said that we would do all we could to find a way out, and we have been doing so, but the remedy does not lie entirely in our hands; after all, we are only a local Government, and unfortunately the main sources of supply are outside our limits. Imports come mainly from Manchester and Japan, while the principal sources of raw cotton are on the Bombay side and in the Central Provinces. Neither, so far as we know, is it necessarily the case that the conditions of the Calcutta market are an absolutely true index of the conditions all over India. We have been told, for instance, that conditions are

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Sir H. Wheeler.

not entirely the same in Bombay as they are here ; that being so, we have had to represent our difficulties to the Government of India and since the discussions of February last, we have done so on various occasions. I may add that His Excellency, during his recent visit to Simla, particularly drew the attention of the Imperial Government to this question, while we know that our difficulties are fully realised by them, and that they are giving them their most anxious attention. We are told that they have received the report of the Bombay Cotton Committee and that they hope to come to final conclusions on it very soon. As all must have seen, they have also requested us to take a census of the cotton stocks in this Presidency, and that is going to be done on the 6th July. We understand that the Government of India will closely examine those figures to see whether they afford any evidence that stocks are being improperly withheld from the market, in which case they will most certainly consider a remedy. And with reference to certain of the Hon'ble Mover's remarks, I have sufficient respect for and belief in the Marwari community to think that they will be the last to expect that their susceptibilities should be allowed to stand in the way of any remedies that are likely to be required in the interests of the country as a whole. We will collect this further information within a few days, and we hope that we shall then learn finally the views of the Government of India.

The finding of a remedy will not be easy, as may be gathered from the suggestions which we see put forward from time to time, and if I run over these briefly it is not by way of pronouncing finally on their merits, but of indicating the difficulties which characterise the problem. We are sometimes told that the obvious remedy is to regulate prices, but the mere regulation of prices will not be a solution by itself. Apart from its efficacy or otherwise in respect of imported goods, it is not easy to enforce. There are a very large variety of piece-goods on the market, and the difficulty is to ensure that any regulation of prices which may be applied to the first-hand importer will pass down through the various intermediaries to the consumer, so as to benefit the actual purchaser in the mufassal. As regards the local mills, regulation might be more easy, though the question is primarily a Bombay one, but within the last two or three days we have seen an interesting example of complaints from an important industry against the regulation of their sale prices unless the prices of other things which they consume are similarly controlled. Another course that is sometimes advocated is the importation of cloth in some way by Government, possibly accompanied by some standardisation of quality which would meet the needs of the poorer people ; but that again is a question which must turn largely on conditions in the manufacturing centres of which we are not well aware.

Another remedy which has been pressed in the papers is that Government should either prohibit or curtail the export of raw cotton or manufactured cotton. It is perfectly true that at the present moment there are exportations of raw cotton going out from India, mainly to Japan, and that these exportations have increased since the war. Cotton yarn is similarly exported. largely to China, while manufactured piece-goods are exported, in continually increasing quantities since the war, principally to Aden, Persia, Turkey, East Africa and the Straits. Some people say, 'Why not stop all this and place the goods on the local market, thus increasing supplies ?' But there again, the problem is not quite so easy as it sounds, for if you cut these outside countries off from the supplies for which they have hitherto looked to India, they will have to look for them elsewhere, possibly in other markets on which India also draws, while as regards raw material we do ourselves receive a considerable amount of it back in manufactured form. It would only be advantageous to keep that raw material here if we could make it up ourselves, and it has yet to be shown that we could.

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Babu K. M. Chaudhuri; Rai M. C. Mitra Bahadur.

These are the remedies which have the most direct bearing on this particular resolution, though others have been mooted which refer to the organisation of the weaving industry and the encouragement of cotton growing in India itself. These will be discussed in connection with a later resolution, but obviously while they may be helpful, so far as they go, yet for immediate purposes they will not afford very great relief.

That, sir, is the position. I admit it is not as satisfactory as we could wish, and we are still groping for light. The actual proposal of the resolution is that we should appoint a committee; we have not the slightest objection to doing so; as I said before, we welcome any advice from anybody who can help us in this difficult matter, and I will willingly accept any suggestions as to the names of any gentlemen who can assist us. In that sense, I accept the resolution, on behalf of Government, though I might add one word of caution, namely, that the reference to a committee will, of course, only be on the subject of cotton piece-goods. As the resolution is worded, it might be taken to authorise the committee to wander off into remedies of a general character which have no direct bearing on the question of cotton piece-goods."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, after what has fallen from the Hon'ble Member in charge I do not think it is necessary for me to say anything more. Coming from the mufassal I know full well that there is real distress and something ought to be done. A proper enquiry into this matter will satisfy the people."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I beg to associate myself with the terms of the resolution moved. The high price of the *dhuties* and *saries* is now a national grievance. The question is what has been done to alleviate the serious distress now prevailing in the country arising out of the cloth difficulty? The situation is indeed drifting from bad to worse. My Lord, this subject has been discussed on the public platform and brought to the notice of Government by the press but without any tangible result. It is high time that Government should interfere.

This is not the first time that the subject is brought to the notice of the members of the Council. Are we to understand that the present extraordinary situation of the cloth market is due to the laws of demand and supply and Government is powerless to interfere? Is it to be contended that Government cannot come to the rescue of the distressed millions? My humble suggestion is that Government may be pleased to appoint a Cotton Controller as the Bombay Government have done. I am led to believe that the profiteering in the sale of cloth by a few Calcutta merchants may be at once stopped.

My Lord, the working of the ordinary economic laws ought not to be suspended on the idea that this acute distress has arisen for war conditions. The State is the guardian—the centre authority—the controlling power in all matters affecting the happiness of the people. The indigenous industries are dying. The handlooms are very few. The weavers are now operatives in the mills of the riparian Municipalities. This, my Lord, is no exaggeration. The *bilati dhuties* of Ralli Brothers are sold at Rs. 5-3 per pair and *saries* are sold at Rs. 5-6 per pair (coarse cloth). The Banga Luxmi Mills sell a *daisee dhuti* at Rs. 4-3, *sari* Rs. 4-6. The synthetic dye is not available in the market. The sale of a maund of jute cannot secure a price of a piece of cloth. In one word I beg to say that the Hon'ble Member may agree with me that acute distress prevails at every hamlet, village or town and Your Excellency,

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whose popularity is immense, owing to your love for the people may allow me to say that Government must find out means to control the merchants who are making large profits. Your Excellency's Government must have been in possession of facts which are reported by the Magistrates of the various districts in Bengal."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I do not wish to take up more than a minute or two of the time of Your Excellency and the Council. It is needless for me to say that we all associate ourselves with the motion of the Hon'ble Mr. Fazl-ul-Haq. I wish to thank the Hon'ble Sir Wheeler for accepting this resolution because I know there is a great deal of misapprehension about the attitude of Government in regard to this question. The people are in such acute distress, that they blame the Government for not moving in the matter. I therefore hope, my Lord, that all possible means will be found to assure the public that every endeavour is being made by Government to ease the present situation, specially through the agency of the Publicity Bureau, of which my friend the Hon'ble Mr. Bompas is in charge."

The resolution was then put and carried.

At this stage the Council adjourned for lunch.

LIST OF BUSINESS—ITEM No. 7.

The following resolution stood in the name of the Hon'ble BABU SURENDRA NATH RAY :—

This Council recommends to the Governor in Council that a Committee, consisting of the Hon'ble Mr. Stevenson-Moore, the Sanitary Commissioner to the Government of Bengal, Sir Nilratan Sarkar, KT., a representative of the Bengal Chamber of Commerce on the Bengal Legislative Council and the Hon'ble Maulvi A. K. Fazl-ul-Haq, be appointed—

(*1*) to inquire into the complaints and allegations made by the persons interned in Char Lawrence and Kutubdia, and

(*2*) to inquire whether proper arrangements were made by Government for keeping the *détenus* in the same condition of life as they were accustomed to live.

The PRESIDENT said :—

"I have been asked by the Hon'ble Babu Surendra Nath Ray for permission to postpone the resolution which stands in his name until Hon'ble Members have had an opportunity of studying the papers which I have promised to publish, and I am prepared to agree to the postponement. I now call on the Hon'ble Maulvi Abul Kasem to move Item No. 8."

LIST OF BUSINESS—ITEM No. 8.

The Hon'ble MAULVI ABUL KASEM moved the following resolution :—

This Council recommends to the Governor in Council that the Government do take up the amendment of the Village Chaukidari Acts (Bengal Act VI of 1870 and Bengal Act I of 1871), with a view to raise the maximum tax payable by any one person from Re. 1 per mensem to Rs. 4 per mensem, and with a view to make chaukdari tax payable by residents in municipal towns for the maintenance of the town police.

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Maulvi A. Kasem; Kumar S. S. Ray.

He said :—

"My Lord, it is with some diffidence that I venture to move this resolution, because I have been told that the resolution has caused certain misapprehension amongst a certain section of my countrymen. I have been told that this resolution seeks to introduce a new tax or to raise the existing tax, but those who will examine it carefully will find that nothing of the sort is being proposed. I know, my Lord, that the chaukidari tax is the most unpopular tax payable by my countrymen, and I know it causes great hardship on the rural population, and nobody would have been more glad than myself if I could see my way to ask for an abolition of the chaukidari tax altogether. Such a proposal in the present circumstances of our finances would be absurd, and even if there was an improvement in the finances I would hesitate to make such a proposal because I think that the public revenue has better and greater demands upon it than the payment of the rural police. What I ask, my Lord, is that the tax may be equitably distributed and the burden should fall on the shoulders of those who are more able to bear it than the poorer population. In the present Act it is stated Re. 1 is the maximum tax which is payable and firstly the Act also lays down that the richer people have first to be assessed and then the poorer, and if we have a maximum so low as Re. 1, the natural result would be that in order to meet the expenses of the chaukidari union, we would have to place the tax on the poorer members of the community, and the rule which provides that exemptions should be made in fâvour of poor men cannot always be adhered to because the money has to be found and this money naturally raises the maximum to Rs. 4 as payable by one individual. I must submit, my Lord, that Rs. 4 a month will not be a heavy sum considering the fact that it will be levied on persons who are able to pay and who are comparatively very rich in the village. The poorer people, by which I mean the day-labourers, the poor artisans and others, have very little need of the village chaukidar. In the present state of the rural population these people have scarcely anything in their houses which even a thief will condescend to steal, and besides their services are utilised in a very large number by the richer members of the community in the village. Formerly the chaukidar was a sort of village servant and was paid by land. In my humble opinion it was a mistake to resume these chaukidari lands and to make this cash payment to the chaukidars by the imposition of this tax. But we must take things as they now stand. I therefore propose that the maximum be raised to Rs. 4; there will be no unfairness because the wealthier cannot be unduly taxed by the village panchayat, who will not care to do anything wrong to the richer people and it will only give the village panchayat or the Deputy Magistrate or the District Magistrate an opportunity of relieving from taxation a large section of the people who deserve and ought to be relieved. The second part of my proposal is that people living in the municipal area should be made to pay chaukidari tax for the maintenance of the village police; whereas the rural population which is comparatively very poor has to pay for the maintenance of the village police. People living within municipal areas who are comparatively rich are exempt from these police charges to which the rural population contributes more largely than the town people. Therefore it is on the question of equity and justice that we demand that the people within the Municipal area should be made to pay police tax just as the people in the rural area pay it. The saving thus caused to the public revenue might be better utilised in many other ways and many other reforms which cannot be carried out for want of money, and I have reason to believe that this Council will accept the resolution."

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said :—

"My Lord, my esteemed colleague has surely forestalled me in moving the present resolution. But as far as the latter part of the resolution is

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Kumar S. S. Ray; Sir H. Wheeler.

concerned, I fully support it. During the last debate on the Budget I referred to the anomalous distinction between the rural and urban population in the matter of local police taxes and though I was then summarily dismissed for resuscitating ancient history, I still hold that the Government should take some steps to remove this anomalous distinction. If we, the people in the country, are to be separately taxed for maintaining our police, I do not think that our brothers in the towns ought to claim an exemption from a similar tax and continue to be policed, from general revenue, at our cost. We pay something like rupees fifty lakhs in police taxes. If a similar tax is imposed on the urban population, I think that at least a sum of rupees ten lakhs of the general revenue would be annually free to be devoted to meet one of the many pressing needs of the country.

As for the first part of the resolution which urges the raising of the amount of maximum tax from Re. 1 to Rs. 4, I would like to point out that the people whom the Hon'ble Mover has in view in this connection, derive very little benefit from chaukidars. They undoubtedly can afford to pay the amount specified, but it must not be forgotten that they cannot depend on the chaukidars alone but have to keep their own guards to protect their property in the country. Under the circumstances it would be rather hard upon them to raise their tax.

I am, however, of opinion that the Chaukidari Acts require some useful changes and the Government would be well advised to take up an amendment of these Acts."

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, this resolution raises two somewhat incongruous points which have no particular reference to each other, although the Hon'ble Member for some occult reason has brought them up together.

His first proposal is that the maximum chaukidari tax leviable on one person should be raised from Re. 1 to Rs. 4 per mensem, and he has justified it on arguments touching the pressure of this taxation on the poorer classes and the advisability of equalising its incidence by placing a heavier burden upon the rich. Into the merits of the proposal I do not think it necessary to go at the present time. There is a good deal to be said for it, and for the connected proposition that the pay of the chaukidar should be higher than it now is, but the whole position is under reconsideration in connection with another Bill, which is now before the Council. It is true that the Chaukidari Act does impose this monthly maximum of Re. 1 on an individual assessee, but if the Government proposals in connection with the Village Self-Government Bill are approved, that maximum will disappear; and if Hon'ble Members will refer to clause 39 of the Village Self-Government Bill, they will see that the rate to be imposed shall be an assessment according to the circumstances and the property within the village of the persons liable to the same, therefore all maximum will disappear, and people will pay according to their capacity. I submit that it is somewhat a waste of time, with this proposition before us in the near future and under reference to various bodies for opinion, for us to debate a resolution whether a particular section of the Chaukidari Act shall or shall not be amended, when the whole Act will in all probability go by the board in a very short time.

The second part of the resolution has reference to a point which was raised in the budget debate, and on which I then gave a very brief answer. The idea of the Hon'ble Mover is that inasmuch as the rural population pays chaukidari tax, it is only fair and equitable that the town population should pay something equivalent to the same. The argument from analogy is always somewhat dangerous, as it is apt to overlook many contingent circumstances.

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Sir H. Wheeler.

There is no very close analogy between town police and village chaukidars. The police entertained in towns are not chaukidars, and, as I shall support by a subsequent question from the report of the Police Commission, they must be maintained in the interests of efficiency as part of the ordinary police force. There is nothing in a municipality similar to the old village life and village control as represented by the panchayat, and the analogy is therefore in no sense complete. But, apart from that, the history of municipal taxation for police purposes is one which it is well for the Council to remember. In the old days, municipalities used to contribute towards their police. In the eighties, when the Local Self-Government Reforms were under discussion by Lord Ripon's Government, it was definitely proposed that they should be relieved of taxation in order that they might apply their funds to sanitation, education, etc. In a letter from the Government of India of October 1881, the following paragraph occurs :—

'His Excellency in Council observes that at present the total annual amount spent on police by municipalities in British India amounts to about 27½ lakhs of rupees. The only function which the municipalities discharge in regard to police is the provision of funds for the purpose of meeting the whole, or a portion, of the cost of the municipal police force. They practically exercise no control over the police, and cannot therefore be expected to take any special interest in the efficiency of the force, or to look with sympathy on a provision of the law which treats them as a machinery for raising taxes to be spent on a department over which they have no control, and in the efficient and economical expenditure of which they have but little direct interest and no immediate responsibility. The Governor-General in Council would therefore be glad to see municipal bodies relieved altogether of the charge for police, an equal amount of expenditure on education, medical charity, and, if possible, Public Works of local interest, being transferred to them with as full control as may be practically expedient over the details of such expenditure.'

In the succeeding year, in February 1882, in pursuance of that policy, the Local Government remarks that it was the intention of the Lieutenant-Governor to relieve municipalities entirely of charges for police under a guarantee that the income then devoted to that object would be expended on education, sanitation and other works of improvement, the charges falling on Government being reduced, and the whole of the expense of maintaining police in municipalities, unions and stations in Bengal (with the exception of Calcutta, the Suburbs and Howrah) was eventually assumed by Government with effect from 1st April 1882.

Therefore, in the eighties, rightly or wrongly, these municipalities were relieved of these charges on condition that they spent their money in other directions of more immediate benefit to the towns. I cannot conceive, therefore, how the somewhat retrograde proposal of the Hon'ble Member can commend itself to those who represent municipal bodies in this Council. But there is a second argument. Apart from what was done in the eighties the whole system of municipal police was condemned by the last authoritative enquiry conducted by the Police Commission. Apparently at the time of that enquiry in some municipalities in Bengal these contributions still continued, and the Police Commission gave a very decided opinion on the point. They said :—

'In some provinces the police employed in the municipal towns other than the three Presidency towns and Rangoon which have been dealt with already, are paid wholly or in part from municipal funds. It is objected to this system that much-needed improvements are prevented by the inability or unwillingness of the municipal bodies to meet the necessary increased expenditure. The police in such towns are generally undermanned, there are no reserves, and an inferior agency is employed because it is cheaper. There is difficulty also in employing municipal police beyond municipal limits, and there is thus loss of efficiency through the town and the suburbs being under separate police forces. The Commission fully recognise that the cost of the police is a fair charge upon municipal revenue, but for the reasons just stated the system does not work well in any but largest cities. They consider, therefore, that in general the charges should be transferred to provincial revenues, which should in turn be relieved of expenditure on other departments which municipalities can better contol . . . .'

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Rai M. C. Mitra Bahadur; Babu M. N. Ray.

So, therefore, on the merits, there is the very authoritative and considered declaration of the Police Commission, and in pursuance of it, the Local Government of the time took action in 1907-08 to relieve the Howrah Municipality from such police contributions as it then made. As far as I know, no exception was taken at that time in Council or elsewhere to this step; therefore the present policy is one which was accepted for good reasons more than 30 years ago, and I submit to the Council that there can be no justification for now reverting from it."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My lord, I beg to oppose this resolution. The resolution is divisible into two parts : first with regard to the increase from Re. 1 to Rs. 4 of taxation, and second, with regard to the distribution of the tax in the municipal areas. If my learned friend would have referred to the history of the imposition of this tax, he would have been satisfied that the assessment of Re. 1 was fixed after some discussion, and perhaps his experience will warn him that any increase over Re. 1 will be a great hardship to those who live in the village. Now that we are going to have a new Act which will deal with village unions, it will not be expedient or politic or desirable to have an enhancement of the rate. If the opinion of the villagers be taken I am almost sure that there will be a strong opposition, and although my Hon'ble friend considers that the poor people should be exempted and the rich men made to pay, he ought to remember on what standard and on what principle the assessment is to be made. I do submit that this part of the resolution ought not to be pressed upon the attention of the Council.

With regard to the second part of the resolution as to the distribution of the money to municipal areas, the learned mover ought to refer to the provisions of section 85 of the Bengal Municipal Act. That section deals with two parts ; (*a*) with reference to the imposition of a personal tax, and (*b*) the imposition of a rate. Will it not be hard if the residents of the municipality will have to pay for the benefit of the villagers? The municipality has nothing to do with the villages, and secondly, I cannot understand the reason which leads my friend to press upon the attention of the Council that the municipal residents ought to contribute some money to the village unions. I consider that this is an unreasonable proposition of law and fact, and it cannot be contended that those who live within the municipal jurisdiction ought to contribute anything for the benefit of the villages. Your Excellency's Government is aware of the fact that the present tax which is imposed upon the residents of the municipality is considered something like an income-tax. The language of the section is that the tax should be levied according to the circumstances of life and property. Many persons view the imposition of such a tax as income-tax. As a matter of fact they pay the income-tax and they are obliged to pay also the personal tax, so that there is a difference of opinion as regards the imposition of the tax. I would not be privileged, Sir, at this stage to refer to the mode of imposition, but I would ask my friend to withdraw this resolution with Your Excellency's permission, because various questions are to be discussed in all their bearings and it will be a great hardship if such a resolution were successfully carried in Council."

The Hon'ble BABU MAHENDRA NATH RAY said :—

"My lord, I had in mind that if my learned friend pressed his motion, I would vote silently on it, but it is perhaps desirable that I should say that in my opinion there is absolutely no justification for the resolution which he has thought it proper to move. The present maximum rate of assessment—the rate of Re. 1 per month—was arrived at after a careful consideration of the expenditure which is likely to be incurred, and the Hon'ble Members will see from the

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Maulvi A. Kasem ; Maulvi A. K. Fazl-ul-Haq.

manuals on this subject which are available, that the revenue raised is intended to meet certain expenses for which budget provision is made annually. The budget contemplates the pay of a dafadar and two chaukidars. As the Hon'ble mover of this resolution may know, the pay of the dafadar and two chaukidars and other incidental expenses is amply met by the rates now raised, and there is no justification for the suggestion that the maximum rates should be raised from Re. 1 to Rs. 4 per month.

With regard to the amendment suggested to make the chaukidari tax payable by the residents in the municipal towns for the maintenance of the town, that involves such a fundamental change in the principle of municipal government that I do not desire to detain the Council by an elaborate discussion of this part of the resolution. There is absolutely no reason why this change should be made."

The Hon'ble MAULVI ABUL KASEM said :—

"My lord, after the statement made by the Hon'ble Sir Henry Wheeler I do not think I am justified in pressing the resolution before the Council, but in asking permission to withdraw it. I should like to make a few observations on what has fallen from my learned friends the distinguished Chairman of the Municipality of Howrah and the Chairman of the Municipality of Hooghly. That the chaukidari tax has been imposed to meet the budget expenditure. That was the reason why the maximum should be raised. The budget has to be met now by taxing the poorer people more than the richer people. What I wanted to suggest was that the richer people should be taxed. However that discussion does not arise, as under the new Village Self-Government Bill the maximum question has been removed and there will be no limit to taxation so that difficulty will no longer arise. As regards the enforcement of the police tax on the residents of the municipal areas, I think that my proposal is only fair, if a rural population have to pay for their police force, I say, whatever guarantees Government may have given in the past, I see no reason why the public revenue should be made liable for the payment of the police in the municipal areas. True it is that they have to spend their income on sanitation and education and many other things, but these benefits are derived by the people living in the municipal towns and they enjoy all the advantages of municipal towns. That was the reason why I gave notice of the resolution. After what has fallen from the Hon'ble Member, I think my purpose has been served. I therefore beg permission to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 9.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ moved the following resolution :—

This Council recommends to the Governor in Council that all proposals for the increase of fees in the Dacca College be abandoned.

He said :—

"My lord, in moving this resolution I do not wish to take up the time of this Council at any great length. I understand that the governing body of the Dacca College have recommended that the fees in that college should be raised from Rs. 6 to Rs. 9. Ordinarily, it might appear that an increment

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Babu K. M. Chaudhuri; Maharajadhiraja Bahadur of Burdwan; Maulvi A. K. Fazl-ul-Haq.

of Rs. 3 a month was not much, but I think that the members of this Council are well aware that a large majority of the parents who send their boys to College find it very difficult to have to pay even Rs. 3 per month or Rs. 36 annually; that means a very substantial portion of their income.

I think that Rs. 9 would be a burden which many of them will not be able to bear. I find that a question to this effect has been put by another member, and Government has already admitted that this proposal has given rise to much dissatisfaction. This proposal has not been received very favourably by the public, so I submit that it should not be given effect to. One of the reasons may be that the school fees in the Dacca College are somewhat lower than they ought to be, but it is much better that Government should come forward and bear the extra burden than that the parents should be obliged to pay more than they actually do in the present conditions. I submit that in view of all that has been elicited in the course of the replies that have been given to questions, and in view of the fact that the proposal has not been favourably received by the public, the proposal for the increase of fees should be abandoned."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My lord, I brought forward a similar resolution as regards the Rajshahi and some other Colleges in connection with the last Financial Statement. I have no doubt that this proposed increase will fall very heavily on the purses of poor parents. I further think that education should be made nowadays much cheaper than it is, and the fee rates in the colleges should be as low as possible. I have nothing further to add. and I cordially support this resolution."

The Hon'ble the MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"My lord, the proposal that the Hon'ble Maulvi Fazl-ul-Haq has in mind is a proposal of the governing body of the Dacca College to the Director of Public Instruction. This proposal has, however, not come up to Government; the proposal was for a general increase of fees to be accompanied by a proposal for the grant of a concession rate of Rs. 3 a month on 20 per cent. of the admissions. I may tell the Hon'ble mover of the resolution that Government have no intention of raising the fees at present; but of course it must be clearly understood that in a matter of this kind, a guarantee that fees will never be raised cannot be given.

The Hon'ble Babu Kishori Mohan Chaudhuri thinks that the expenses of education should be kept as low as possible. I am afraid that I must differ from that view entirely, because every day education will not become cheaper but dearer; and if any degree of success in self-government is to be achieved in this country, the expenditure on education must go on increasing, and it cannot be expected either for Government or for any public bodies to maintain their colleges by simply giving out grants and leaving the fees at the rates that they are at present. As I have already said regarding the Dacca College, Government have no intention of raising the fees at present, and, therefore, I hope that however on receipt of this assurance the Hon'ble Member will withdraw his resolution."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My lord, I think in effect my resolution has been accepted. I am prepared to add the words 'at present' as that will meet the position taken up by Government."

Resolution.

Maharajadhiraja Bahadur of Burdwan; Maulvi Fazl-ul-Haq.

The Hon'ble the MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"My lord, I do not think Government can accept the resolution when there is no proposal before the Government. Therefore, the Government cannot accept the resolution as it stands. The proposal not being before Government the question does not arise."

The Hon'ble MAULVI FAZL-UL-HAQ said:—

"My lord, in that view of the matter, I beg leave to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ moved the following resolution :—

This Council recommends to the Governor in Council that a selected Muhammadan officer be placed on special duty to inquire into the management of *waqf* properties within the limits of Calcutta and the suburbs and to collect materials with a view to taking such action regarding the proper management of such properties as the circumstances of each case may render advisable.

He said :—

"This is one of the questions which are well known to the public and about which the public are agreed that something ought to be done, and the only question, therefore, is one of ways and means as to what ought to be done. In order, therefore, to collect materials and prepare some data for action that might be taken my suggestion is that a selected officer might be placed on special duty. There are some *waqf* properties in Calcutta about which so far as members of my community are concerned the facts are so well known about the mismanagement of these properties by the matwalis and others responsible for their management that it has become something like a public scandal. In the case of one of these properties, the annual income about 25 years ago was a little over Rs. 15,000 and at the present moment it has come down to Rs. 3,000 and even then the major portion of the income is not devoted to the purposes for which this income was primarily intended. The reason why I propose that an officer be placed on special duty is this: We find that private individuals seldom think it worth their while to devote their time and attention and the labour that is necessary to collect materials before any action can be taken, and since the proper management of these endowed properties is as much a matter of concern to Government as to the beneficiaries under these endowments, I submit that it would not be a waste of public money to appoint an officer who will devote his time and energy and attention in order to collect information for the consideration of this question. There are probationary officers in every district, and one of these officers may be set to work out the scheme. It won't be a serious interference of the public service if one such officer is placed on special duty. With these few words, my lord, I beg to commend the resolution to the Council."

Resolution.

Maulvi A. Kasem; the President; Rai D. C. Ghose Bahadur.

The Hon'ble MAULVI ABUL KASEM said :—

"My lord, I beg to associate myself with the resolution that has been moved by my Hon'ble friend to my left, and if Your Excellency will kindly permit me, I would suggest an amendment that the words 'within the Municipality of Calcutta' be deleted from the resolution itself. My object in making that amendment is that in the mufassal there are *waqf* properties which are grossly mismanaged, and, if I may go so far as to say, the funds of which are misappropriated. I will cite an instance. Even in these hard days Government felt themselves in duty bound to institute a civil suit in a district in Northern Bengal against a matwali and this cost a large amount of money in the Civil Court. So there is no doubt whatever that there has been gross mismanagement and misappropriation of these *waqf* properties. Unfortunately, several *waqf* properties in my own district and also in some other districts have been disposed as private properties. Matwalis who used to take care of these properties sometimes would even go so far as to appropriate the surplus money and devote it to their personal use. The action suggested in the resolution would be justified if only in the interest of the beneficiaries. About the year 1885 or 1886, a commission was appointed presided over by the late Sir Charles Elliot and of which the late Mr. Nolan was a member to inquire into the whole question, and if a copy of their report is obtainable now, it will be found that there were large educational endowments in connection with many *waqf* properties, and we are in urgent need of money at present for Muhammadan education. The Government of Bengal are not in a position to make any grant towards Muhammadan education at present and the Government of India will not allow us to tax ourselves for this purpose. I hope Your Excellency's Government will see their way to accept this resolution and institute some sort of inquiry into the condition of *waqf* properties. My Hon'ble friend has suggested that he will be satisfied even if a probationary Deputy Collector is appointed for this purpose. But I hope and trust that a senior officer with more experience will be chosen for this onerous duty."

The PRESIDENT said :—

"To the original question an amendment has been proposed. to leave out the words 'within the limits of Calcutta and the suburbs." Since due notice has not been given of this amendment, it is open to any Hon'ble Member to object to the amendment being moved."

Objection not being made the Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"My lord, much as I sympathise with the Hon'ble mover and the seconder of the resolution as regards some Government action in regard to *waqf* properties in Calcutta and its suburbs for making some sort of inquiry into their management, I find it difficult to support this resolution, because, as proposed by the Hon'ble mover, it will not be a workable scheme. It is no doubt desirable, in the interest of the public, to get information as regards the management of these *waqf* estates, but how is this inquiry to be made? My Hon'ble friend suggests that if a Government officer goes to the matwali, all the materials would be placed before him. I think I have some experience of these matters. I should think that even the presence of the Member of the Board of Revenue before the matwali would not influence him to disclose informations as regards the management of the estate under his charge and he would certainly refuse to give him any information or lay any papers before him. In that case what can a Government officer do? He will be quite powerless to do anything. As the situation stands at present it is only a Court of law which can make the inquiry, and that also at the instance of a suitor interested in the affairs of the estate, if the Advocate-General moves in the matter, or if the Collector of the district in which the estate is situated,

Resolution.

Mr. M. Ashraf Ali Khan Chaudhuri.

helps any person interested in the affairs of the estate to go to Court and give him the required sanction. It is a tedious and laborious process and very few persons are public-spirited enough to move in the matter and do the needful. I know, and I quite sympathize with the Hon'ble Member on the other side of the House, that *waqf* properties should not be allowed to be wasted in that way. But the proper remedy would be some legislative measure under which the matwali will be compelled to give certain information just as persons connected with Joint Stock Companies have to do to the Registrar of Joint Stock Companies. If you can modify the statute in this way then it will be possible for persons interested in the *waqf* estates to cause an inquiry to be made into the affairs of the estates. But as matter stands now the person knows nothing and has no reliable information about the affairs of the *waqf* estates. These estates may be utilized a good deal for the promotion of education among Muhammadans. The pious endowers naturally wished to have the money spent for the good of their community. It is time that the State should intervene and see whether some statutory enactment could not be provided for giving facilities for better administration of *waqf* estates. Entertaining these views, I oppose this resolution."

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI said :—

"My lord, last year I wanted to bring in a resolution somewhat to this effect, but under some rules it could not be brought before this Council and so it was rejected. I wanted that an officer be appointed as a permanent Inspector-General of Waqf Properties. Perhaps that was one of the reasons why the resolution was rejected. I forget what was the exact resolution, but it was something like this : 'That a Muhammadan officer be appointed and that he be empowered to take necessary steps, etc.' My lord, it is an open secret that most of the *waqf* estates in our country are not managed or treated as they ought to be managed or treated. This reminds one of *benami* transactions. A man purchases a property in the name of another. He cheats his creditor by saying that the property is not his. And if the *benamidar* gives trouble, he can always say that he only holds it in trust for him. The matwali holds the *waqf* property as God's *benamidar*. When his creditor comes to him, he says it is God's property and when God comes he says it is his own property. It is God's property when it is to his advantage and it is his own property when that is to his advantage. My lord, this is what is going on with the *waqf* properties. In many estates in Bengal, the matwalis spend the money for their own purposes diametrically opposite to for what they were intended and which they have no right to do. I do not see what harm is there in appointing a Muhammadan officer who from time to time will make inquiries as to how the income of the *waqf* properties is being spent by the matwalis. He could collect evidence from men who knew what the matwalis were doing. And if he is satisfied that a particular property is being mismanaged, he can bring a suit in a Court of law and bring that man to justice. The cost of the case might be borne by the estate. I wanted the officer for the whole of Bengal, but my Hon'ble friend Maulvi Abul Kasem has anticipated me. Of course it is particularly necessary for Calcutta. Nobody knows what property is *waqf* property in Calcutta. The Improvement Trust tries to open out a congested part of the town perhaps, and then somebody comes out and says that his miserable hut is a *waqf* property, thus creating a deadlock. There should be a register of *waqf* properties in Calcutta. In the whole of Bengal, we do not really know who are the trustees and who the beneficiaries. Take the case of the Mohsin Endowment. We derive benefit from this fund only because there was a litigation over the appointment of a matwali and the estate went into the hands of a receiver, and with the money saved during the time the estate was in the hands of a

Resolution.

Mr. Cumming.

receiver, some Government papers were brought and the interest being in the hands of the Government, we derive some sort of benefit. This is the sort of case in which Government is justified in taking action, and I hope that they will take action in respect of all *waqf* estates."

The Hon'ble MR. CUMMING said :—

" My lord, the proposal before the Council is that an enquiry should be made into the mangement of *wakf* properties within the limits of the metropolitan area, in order that material may be collected with a view to taking further action regarding the management of such properties. I can assure the Hon'ble Members of this Council that Government are not unaware of the fact that there is an uneasy feeling in the minds of certain sections of the public regarding the administration of these properties, and the Government are also aware that a wish has been expressed that Government should come to the assistance of those who hold such opinions. I may, however, inform the Council at once that the resolution has already been anticipated by Government—not this Government but the Government of India—as the matter is more than one of provincial concern. It will be noted at the outset that the Hon'ble Member has limited his enquiry to Calcutta and its vicinity ; but, as has been explained by another Hon'ble Member who moved an amendment that there is an objection to such limitation, it is obvious that any action regarding *waqf* property should have a wider application than the limits of Calcutta. But apart from such an objection, I may explain to the Council that there are two main grounds why Government are not prepared to accept this resolution. The Hon'ble Rai Debendra Chandra Ghose Bahadur, quite unconscious of what Government has done, has pointed out the imperfections in the proposal and the appropriate remedy in the form of legislation. The first ground is obviously that any such action, as the appointment of a Government officer for this purpose, would be futile in that the officer selected would have no statutory powers. The second ground is obviously that such statutory powers as are required for the purpose of enquiry into and control over *waqfs* should be conferred by the Imperial Council.

As regards the first point, as I have said before, such a special officer whom the resolution proposes to appoint would have no legal status or authority. *Waqf* managers would have merely to greet him with a definite refusal of information, and he would be powerless ; besides, a *waqf* is a private trust and Government would be no more justified without special legislation in interfering with the management on the lines of the resolution than with any other private business.

The second ground which I have already mentioned, namely, that statutory powers must be taken in the Imperial Council is the more important. The Hon'ble Member is himself aware that early in 1916 he submitted the draft of a bill entitled the Bengal Waqf Registration Act which he desired to introduce into the Bengal Legislative Council. He was informed in May 1916 that the subject of the administration of religious and charitable endowments in India had received the full consideration of the Government of India and of the Secretary of State, who had approved the proposal that Imperial legislation should be undertaken. A bill for the purpose was drafted ; but the Government of India at that time decided to postpone its introduction ; and the Hon'ble Member was informed that any separate provincial legislation on the same subject could not conveniently be introduced until the Imperial Bill had been passed into law. The facts, therefore, are that the Government of India contemplate legislation on the subject which is at present suspended ; that without legislation no statutory powers can be conferred ; and that without statutory powers an enquiry of the nature suggested by the Hon'ble mover would be infructuous.

Resolution.

Maulvi Fazl-ul-Haq.

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri has explained in the course of his speech that he made a similar proposal about a year ago. His proposal, I may inform the Council, was that an officer should be appointed by Government to inspect not only *wakf* but also *debottar* properties; and he was informed that without legislation, which was a matter primarily for the Imperial Council, no such officer could be appointed with the requisite powers. I can understand the impatience that is felt by the Hon'ble mover and other gentlemen of his persuasion; I can realise that he feels strongly on the subject of the alleged scandals in connection with the management of such trust properties; but I feel sure that he will recognise that the greater includes the less in this case; and that when his draft Bill has not been accepted, a proposal of this kind, although at first sight it looks very much smaller and therefore possibly acceptable, must be governed by the same principle.

On these grounds, Sir, on behalf of Government, while I am in accord with the textual wording of the amendment, I must oppose the resolution in its original form."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My lord, I had originally nothing to say in reply, but the Hon'ble Rai Debénder Chunder Ghose's speech compels me to say something if only to explain my position. As regards legislation, I may tell the Rai Bahadur that the matter did not escape my attention. But we must collect materials before we can take any action. Some sort of legislation is undoubtedly necessary, and the officer who is to be deputed must be armed with statutory powers. It is with this object in view that I drafted a Bill which I formally submitted to Government and asked their permission to introduce it in Council. As the Hon'ble Mr. Cumming has said Government were not prepared to give me that permission for reasons which were communicated to me and which have been read out just now. I was then given to undertand that the Government of India comtemplated taking legislative action in this matter, and I was given to understand that in view of the action which the Government of India were going to take, it was superfluous on the part of a provincial Government to do anything further in the matter. But I doubt very much whether this good intention of the Government of India has any chance of being put into practice within a measurable distance of time. Of course I understand that it is engaging the attention of the Government. But it is for the sake of beneficiaries of these *waqf* estates that I have proposed, as a temporary measure, that a certain officer may be appointed and that he be deputed to take certain action before legislative action is taken by Government. Mine is only a temporary measure, and this will not prevent Government from taking action by means of legislation. The Rai Bahadur has pointed out certain obvious difficulties in the way of the officer who may be deputed for this purpose from collecting information. He says that even if the Member of the Board of Revenue is present, the matwali will withhold information from him. I do not know whether the Hon'ble Member has forgotten but I remember that in a case before the Collector at Alipore he appeared for one of the matwalis and most unconsciously, in the exercise of his profession, was of great help to the matwali so far as this particular point is concerned. But of course what he did he did in the best interests of his client. There are records in Courts and these records will show how, in the case of most of these estates, that so-called matwalis have recourse to law in order to bring about all sorts of complication and they have recourse to all sorts of legal proceedings to deprive the *waqf* properties of some of their most valued possessions and ultimately become owners of these properties and misappropriate their income. So far

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Maulvi Fazl-ul-Haq.

as the matwalis are concerned, I do not believe that they can withhold information from a Government servant of some standing. But even if they do so, there are other sources from which information can be gathered and it would give us ample materials for any action to be taken. Of course we all know that it is open to us, as members of the public, to take action under section 92 of the Code of Civil Procedure, but so far as that is concerned, certain information have got to be gathered before any action can be taken, and it is for this reason that I am pressing for the deputation of a suitable Government officer. I still hold the view that it would be some time before legislative action is undertaken, and I therefore suggest that an officer be placed on special duty for collecting materials for action to be taken in this matter. I am proposing to accept the suggestion of the Hon'ble Maulvi Ashraf Ali that the resolution be so worded as not to be limited to Calcutta and its suburbs but be extended to the whole of the Presidency. In spite of the remarks that have fallen from the Hon'ble Member who has replied on behalf of Government, I do not think that I can do anything but press the resolution."

A division was then taken with the following result :—

Ayes—18.

The Hon'ble Sir Nilratan Sarkar, KT.
,, ,, Mr. W. H. H. Arden-Wood, C.I.E.
,, ,, Mr. Aminur Rahman.
,, ,, Mr. Provash Chunder Mitter.
,, ,, Sir Deba Prasad Sarbadhikari, KT., C.I.E.
,, ,, Rai Radha Charan Pal Bahadur.
,, ,, Mr. F. W. Carter, C.I.E., C.B.E.
,, ,, Mr. W. E. Crum, O.B.E.
,, ,, Mr. E. B. Eden.
,, ,, Mr. E. A. Martin.
,, ,, Mr. H. R. A. Irwin, C.I.E.
,, ,, Maulvi Abul Kasem.
,, ,, Mr. M. Ashraf Ali Khan Chaudhuri.
,, ,, Maulvi A. K. Fazl-ul-Haq.
,, ,, Khan Sahib Aman Ali.
,, ,, Babu Bhabendra Chandra Ray.
,, ,, Rai Sri Nath Ray Bahadur.
,, ,, Babu Kishori Mohan Chaudhuri.

Noes—19.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
,, ,, Mr. J. G. Cumming, C.S.I., C.I.E.
,, ,, the Maharajadhiraja Bahadur of Burdwan.
,, ,, Mr. J. H. Kerr, C.S.I., C.I.E.
,, ,, Mr. C. J. Stevenson-Moore, C.V.O.
,, ,, Surgn.-Genl. W. H. B. Robinson, C.B., I.M.S.
,, ,, Mr. L. S. S. O'Malley.
,, ,, Mr. F. A. A. Cowley.
,, ,, Mr. H. P. Duval.
,, ,, Mr. C. H. Bompas, C.S.I.
,, ,, Mr. W. C. Wordsworth.
,, ,, Mr. C. F. Payne.
,, ,, Rai Priya Nath Mukharji Bahadur, I.S.O.
,, ,, Mr. J. Mackenzie, O.B.E.
,, ,, Raja Hrishikesh Laha, C.I.E.
,, ,, Kumar Shib Shekhareswar Ray.
,, ,, Rai Debender Chunder Ghose Bahadur.
,, ,, Rai Mahendra Chandra Mitra Bahadur.
,, ,, Babu Mahendra Nath Ray, C.I.E.

The following members abstained from voting :—

The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.
,, ,, Babu Siv Narayan Mukharji.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
,, ,, Mr. J. Donald, C.I.E.
,, ,, the Nawab Bahadur of Murshidabad.
,, ,, Mr. J. W. Hely Hutchinson.
,, ,, Babu Brojendra Kishor Ray Chaudhuri.
,, ,, Mr. Arun Chandra Singha.
,, ,, Dr. Abdulla-al-Mamun Suhrawardy.
,, ,, Mr. Altaf Ali.
,, ,, Babu Akhil Chandra Datta.
,, ,, Babu Surendra Nath Ray.
,, ,, Mr. K. B. Dutt.
,, ,, Babu Ambika Charan Mazumdar.

The Ayes being 18 and the Noes 19, the motion was accordingly lost.

Resolution.

Babu K. M. Chaudhuri.

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following resolution :—

This Council recommends to the Governor in Council that immediate steps be taken to introduce a system of compulsory military drill in all Government schools and colleges.

He said :—

My lord, in moving this resolution I have every hope that I shall get the sympathetic consideration of the Government and the whole-hearted support of this Council, and I think it requires no very lengthy argument from me to convince this Council of the urgent necessity of taking active steps to inculcate in the rising generation a chivalric spirit of devotional service to the King and the Motherland. In order that this spirit may be properly developed it should form part of the educational system, so that it may foster and create habits of self-control, discipline and fortitude, under disturbing conditions, amenable to the command of the guiding authorities.

Recent experience from the working of the Bengal Ambulance Corps and the Bengali Regiment has taught us that even after a very long period of complete inaction there is still a martial spirit in the Bengali blood, which, if nurtured with care, may, at no very distant date, give, out of the Bengali population, a substantial unit in the Indian Army.

I am aware that my friend the Hon'ble Babu Akhil Chandra Dutt has suggested in his notice of resolution that military drill should be introduced in all colleges and schools. Really there is no difference between him and myself. I think no time should be lost and Government should at once introduce in all the schools and colleges under their control, and the private educational institutions may follow their example in due course.

Circumstances, my lord, to which I need not refer in detail, have forced upon us the inevitable conclusion that every able-bodied man should be ready, whenever required, to take up arms in the defence of his hearth and home—his mother, sisters and children and thereby to maintain the peace and integrity of the Empire we live in. If we are to do this the beginning should be made in the educational institutions. The educated community really is the backbone of the country, and they are the truly loyal subjects of His Majesty the King-Emperor, and it is from the educated people mainly that we have been able to gather recruits. And therefore if these educated people are made to grow up—not for the dark rooms of the Secretariat, adding and subtracting figures day after day for thirty bright silver coins at the end of the month—but as men to realise life with its infinite potentialities, they, I am sure, my lord, will be a real strength to the Empire.

I may take it that the Government also have realised this necessity as is shown by their acceptance of the resolution moved by Hon'ble Rao Bahadur B. N. Sarma in the Imperial Council on the 21st March, 1917, recommending the urgent desirability of encouraging the Boy Scout movement among Indian students. On that occasion the Hon'ble Sir C. Sankaran Nair said 'So far as the Indian Boy Scout movement is concerned, the Government are prepared to encourage it in India,' and the whole country is thankful to the Government for the same. My present resolution, I think, my lord, if accepted by this Council, will be only a step in furtherance of the resolution moved by the Hon'ble Mr. Sarma, and will be an additional

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Mr. Crum.

stimulus to the progress of the Boy Scout movement among Indian students. And this step becomes also necessary as a preliminary in view of the recent pronouncement by the Government that Commissions—though only a limited number of them—in the Indian Army will be given to Indians in the future. I am very glad to notice that a resolution almost similar to mine was moved by my friend the Hon'ble Dr. Sir Deba Prasad Sarbadhikari in the Senate of the Calcutta University on the 18th May last, and that the matter is being considered by a committee of the same.

And lastly, my lord, I hope that the step suggested in my resolution is very likely to be a cure for the malady which we are all very sorry to notice here and there now and then—I mean the spirit of anarchism—for, my lord, to my mind if the Boy Scout movement is encourged and military drill introduced, the playful spirit of the young will find sufficient scope and will not seek other dangerous and mischievous outlets.

With these few words I commend this resolution to the acceptance of the House."

The Hon'ble MR. CRUM said :—

"My lord, I wish I could persuade the Hon'ble Member who has moved this resolution, and those who are in favour of it, to withdraw it. I have a certain amount of experience of compulsory military drill, and for that reason I think it is both impracticable and unsuitable for Bengal. As regards its impracticability, I do not know how many schools there are in Bengal; I was told the number the other day, but I do not remember it, but I think the late Vice-Chancellor of the University will be able to give us the information; but at any rate, I think probably that all the instructors in the British army in India would be needed to instruct all the boys in military drill. It is perfectly obvious that you cannot introduce compulsory military drill without proper instructors.

The second reason why I think it is unsuitable as far as the boys in this country are concerned is that I do not remember anything more trying or boring than the hour of drill that I used to go through at school—I daresay Your Excellency has as lively a recollection as I have of the daily hour of drill.

The Hon'ble mover has referred to the scout movement in India. I shall refer to what Sir Robert Baden-Powell, who is the greatest authority on the scout movement, says about military drill for boys :—

'Military drill gives a feeble unimaginative officer a something with which to occupy his boys. He does not consider whether it appeals to them or really does them good. It saves *him* a world of trouble.

Military drill tends to destroy individuality, whereas we want to develop individual character; and when once it has been learnt it bores a boy who is longing to be tearing about on some enterprise or other, it blunts his keenness.'

And again—'When I see a troop drill well but fail to follow a trail or cook its own food I recognise that the master is no good as such. The indifferent or unimaginative officer always falls back on drill as his one resource.'

This, Sir, is the opinion of the greatest authority on the training of boys and in view of this, I really very much wish that the Hon'ble mover of this resolution would withdraw it; I am perfectly certain that five years hence he or his successors will ask this Council to take away this compulsory military drill from schools."

Resolution.

Sir D. P. Sarvadhikari.

The Hon'ble SIR DEBA PRASAD SARVADHIKARY said :—

"My lord, it would have been better if this motion had come up after the Committee of the Senate which is considering this question submitted its report. The question is not an entirely new one. When Sir Gurudas Banerjee was Vice-Chancellor the question of compulsory drill was taken up. There was opposition probably for such reasons as have been advanced by the Hon'ble Mr. Crum; any way the scheme fell through. And the result has been an absolute state of unpreparedness. The principle of the scheme was, however, accepted in a half-hearted way and a lifeless and unimaginative sort of drill was introduced in some of our schools and which is now conducted by imperfectly-trained drill-masters. But what is there to prevent us from teaching our boys real drill? The Hon'ble Mr. Crum thinks that there are not enough instructors in the British army for Bengal schools and colleges. I do not know what the number is of the instructors in the British army. But difficulties in this and other directions have to be overcome if we are satisfied that the matter should be taken up in right earnest. And the system which Mr. Crum calls unimaginative has to be replaced. It is by no means perfect, but still it is something. The object of the proposal of substituting military drill, boy-scout training or whatever else may be decided on is that we should, in the first place, inculcate ideas of discipline in the minds of the boys, and in the second place, try to be in a state of preparedness for any emergency that may arise. I have no doubt that our boys would have been able to do their work much better if they had some sort of training of the kind indicated. Of course there are difficulties in the way. But the position that would arise if the present state of things continued be much more difficult. Without traditions, without any sort of preparedness we have been able to raise men for the Ambulance Corps, the University Infantry, the Bengal Light Horse, the Bengali Battalion and the Indian Defence Force who have not discredited us on the whole, though regrettable isolated cases of abuse have proved to be inevitable. I shall not pause to enquire whether the criticisms about military backwardness that are levelled against us are just or not. but we do feel that we are not doing nor are able to do anything like our little bit because of the lack of discipline and the condition of unpreparedness, and we strongly plead for a better order of things. The responsibility of continued inefficiency will be on those who deny us this. My Hon'ble friend has asked for the introduction of some sort of training. If the scout training which Mr. Crum advocated will do for the purpose, let it do for the school boys. But for the College boys we advocate military training, unimaginative though it may be. My lord, we have had enough of soul-uplifting agencies in this country, educational, philosophical and otherwise. It is time that we had something the otherway, for the stern realities of the situation have to be faced. We can only indicate our readiness and formulate our demands. It is for the authorities to solve the question of ways and means. And if we formulate our demands, indicate our readiness and if there be lack of means or willingness on the part of the authorities to avail of this unquestionable and unquestioned willingness, why then the result will be anything but encouraging. It would not do to rest the question or give it up because of the supposed unimaginative aspect of the thing or because of its difficulty. If there are not enough instructors available, some of the teachers may be deputed to get some sort of training from military instructors in the same way that they are sent to training schools now. Of course it cannot be done all at once; it will have to be done slowly. If we are to get recruits for the army, it must be the educated people who will show the way for a long time to come yet. They have always done it in other fields, and it is some satisfaction to know that they are doing it in this field also. But what they are doing is not nearly enough; because of the lack of surroundings and atmosphere, there is an admitted

Resolution [illegible]

Mr. Arden-Wood; Rai M. C. Mitra Bahadur.

[illegible], which can however be remedied by what is suggested in the resolution.

[illegible] the sentimental aspect of the question. But there is also [illegible] to it. As I have already stated that if from the point of view of [illegible] we have to leave out schools from our proposals for want of [illegible] instructors, then let the training be confined to colleges for the present, [illegible] drill may be improved and the scout movement may be introduced. The instructors will have to take up only 50 colleges or less perhaps, and [illegible] take it, will not be very difficult. Whether the M. A. classes comes under the term colleges need not enter into the question at all for the present. The great thing is to give it a start at once even if we cannot take up the whole thing."

The Hon'ble Mr. Arden-Wood said :—

"My lord, the practical interest of this question is, to my mind, its bearing upon the physique of the pupils in the schools and colleges of Bengal. I have had extensive opportunities of observing the effects of compulsory military drill both with arms and without arms upon school boys. And it is my deliberate opinion that the value from the physical education point of view of military drill with arms is very doubtful. The same objections, however, do not hold for military drill without arms, and such drill no doubt has its value in teaching boys to move about intelligently in bodies, and in giving them what, I believe, is called a smart and soldierly manner. But all these advantages can be had by introducing in schools one or other of the forms of what is called Swedish drill. This form of physical education has for school boys the advantages that military drill has, and is without its disadvantages, and therefore I should be inclined to support the resolution if the word 'military' were deleted."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My lord, I beg to support this resolution. When engaged in recruiting work in the mufassal, I have got the impression that the recruits have had no preliminary training in drill. If our boys had been trained properly in military drill, this difficulty would not have arisen. I am led to think that, in the circumstances in which we are situated at present, if this system is introduced at the early stage all these difficulties will be obviated. The system of drill which is introduced in our colleges and schools in the mufassal are based upon some recommendations made by Dr. Gray in his little book, which is chiefly recommended for physical drill. I submit respectfully that a compulsory drill should be introduced. The question is however of some difficulty, as what sort of military drill is to be introduced into our colleges and schools. If we can get the men who can teach our boys properly, it will be indeed a good thing to introduce compulsory military drill at once. If a delay is made, I think we cannot expect to get better soldiers. For these reasons, my lord, I beg to support the resolution, which, I consider, will have a very salutary effect in teaching our boys in the military line. If about 40 years ago military schools and colleges had been established, Your Excellency would have got thousands and thousands of boys well trained to go to the battlefields. But, my lord, that policy was not [illegible] although I am aware that when I was a boy in the college about 40 [illegible] application after application was made to the military authorities [illegible] applications were not entertained. My lord, I do not see any reason [illegible] should not be allowed any sort of military education. My idea [illegible]; and if, instead of [illegible] more [illegible] and science [illegible] centres, [illegible] all over the [illegible]. That is my [illegible] supporting this resolution."

Resolution.

The Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"My lord, I think what most of the members who have spoken on this subject including the mover of the resolution have in their mind is that Bengal has suddenly been awakened to the necessity of having good Bengali soldiers, and there is no doubt that the Bengal Ambulance Corps movement as well as the Bengali Regiment have revived the martial spirit, and I may say, instilled the martial spirit into the educated classes of Bengal; but while that is so, the resolution which the Hon'ble Babu Kisori Mohan Chaudhuri has proposed recommends to the Governor in Council that immediate steps be taken to introduce a system of compulsory military drill in all Government schools and colleges. There is a similar resolution standing in the name of the Hon'ble Babu Akhil Chandra Datta who wants to go a step further and introduce that system in all schools and colleges in Bengal and not simply limit it to the Government institutions. This resolution has two aspects; first of all, that which relates to the schools and then that which relates to the colleges. I propose to take up, first of all, the aspect so far as the schools are concerned before I can deal with the other aspect. The Hon'ble Mr. Crum spoke at some length on the inadvisability and impracticability of having military drill introduced into schools. I think he said that he disliked the one hour's drill which even Your Excellency had also to undergo, but that it was a drill without arms which makes a distinct difference. I shall come to that point later on. Meanwhile, I would like to add one or two authorities to the quotations made by Mr. Crum regarding the inadvisability of introducing military drill into schools. He has already quoted Sir Robert Baden-Powell, who at another place says that 'if you want to spoil a soldier give a boy military drill.'

Sir William Aitkin, Professor of Pathology in the Netley Medical College, says 'Boys given military training at eighteen or before make soldiers who are less robust and efficient than men with whom this training was deferred a few years remaining in civil life until after their bones, heart, lungs, liver, etc., were more matured and developed. Recruits at eighteen or under show immaturity which results only too frequently in their ending in the hospital or being discharged as invalids.

'Military opinion in all countries accepts this point of view. Military drill can be easily and quickly taught: the great trouble is that of conditioning the men. Given the material, the soldier is soon made, and the material is developed by systematic scientific physical training suited to its years.' In England shortly after the outbreak of war certain schools acting as they thought in response to the needs of the time substituted military drill for school drill: this was promptly censured by authority as harsh..

I shall go back for a moment to the question raised by the Hon'ble mover of this resolution regarding the Boy Scout movement. I may say that Government is not indifferent at all to the Boy Scout movement in Bengal. In fact, in Calcutta—and the Hon'ble Mr. Crum will bear me out in this—a governing body has been created for the Boy Scout movement known, I think, as the Boy Scout of Bengal, and I believe they have shown excellent results in a very short time. Of course, Government are waiting to see whether the material available would justify their sanctioning it in certain other centres later on in Bengal; but for the present we must watch the movement now started in Calcutta. On the other hand, regarding this Boy Scout movement I wish to remove an erroneous impression. It must be clearly understood that the Boy Scout movement is an entirely non-military movement; it is a movement which is just as much [illegible] for the discipline of boys as physical drill or Swedish exercise [illegible] by the Hon'ble Mr. Arden Wood in schools.

Resolution.

The Maharajadhiraja Bahadur of Burdwan.

The Hon'ble Sir Deba Prasad Sarbadhikari, the late Vice-Chancellor of the Calcutta University, has taken a great interest in this question of military drill in Bengal, and as he has just now said, he would have preferred the postponement of the discussion of this resolution until the report of the Committee appointed by the Senate was received; but if I understood him rightly he was not so anxious for military drill in schools, as long as some kind of drill was introduced. That being so, it simplifies my case so far as he is concerned. I think many of the members of Council are aware that in most Government schools and colleges there is a system of physical drill, and also in some aided schools and private institutions, some kind of physical drill has been introduced. If the Hon'ble mover of the resolution and those who have supported him were to bring forward a proposal that greater endeavours should be made to introduce a system—perhaps a more elaborate system than at present—of physical drill in schools. I am sure Government would give it its closest consideration. But here, again, I must sound a note of warning; as has been pointed out by the Hon'ble Mr. Crum, so far as military drill is concerned, there is a difficulty about instructors and this applies with equal force to the question of physical drill. For the present, it is almost impossible; even later on, we will not be able to get in a day the number of instructors required for the purpose. Then, again, there is another aspect. If we are to accept the idea that military training is not suitable for schools, but that some kind of drill as would train the boys, teach them discipline and enable them to join any military corps in colleges after their school career; even then the fact must not be lost sight of, that in private colleges or in aided schools, it might be a hardship on these institutions to begin with. Even if you were to leave out private institutions and if you insisted on physical drill being introduced and made compulsory in all schools, it would result in Government having to stop its grants to those schools and colleges which would not be able to introduce physical drill according to the standard Government might prescribe. Therefore in considering this question that aspect will also have to be taken into consideration.

Then, again, military drill has a specific purpose, to train selected young men of good physique to better physique and endurance, and to carry out movements necessary in war, whereas school drill has its specific purpose—to give all children physiques and constitutions. better health and strength and mental and bodily alertness. Military, medical and educational opinion in, I believe, every experienced country holds that it is a mistake to attempt to identify them; that the child is spoilt as present child and future soldier if he is prematurely introduced to formal military drill. On these grounds, I think I have made it abundantly clear that it is impossible for Government to accept the question of military drill so far as schools are concerned.

In schools where the Government think that there is room for development, physical drill such as Swedish gymnastics might be introduced, but even then one will have to proceed cautiously as it might prove a hardship to those aided-schools who may not be able to afford an instructor straight off for the purpose. Moreover, I do not know whether it would be quite wise also to make it compulsory in private institutions. but this is a matter which will require further consideration.

I now turn to the other side of this question which relates to colleges. Regarding this I would like to point out that I do not think that sufficient time has elapsed to judge the result achieved by the University Unit under the Indian Defence Force. I think we should await that before we consider the desirability or otherwise of extending the system of military drill in Colleges, whether Government or otherwise, in Bengal. Moreover, I think that you cannot achieve that in a day or two, nor can you make the people of Bengal military in a generation, when there has been stagnation for

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Rai R. C. Pal Bahadur: Babu K. M. Chaudhuri.

centuries past so far as military aspirations are concerned. Then, again, I would like to point out that this is the most unsuitable time to press upon the attention of Government the question of raising further difficulties so far as the military authorities are concerned regarding new units of military course of training in colleges. You have at present the Indian Defence Force, and I believe, although I cannot give it out in exact figures, that there is a proposal to raise the number of the Indian Defence Force so far as the non-European section is concerned. Then, again, you have the Bengali Regiment; you have your University unit under the Indian Defence Force; you have recently noticed in the newspapers the announcement made that commissions are going to be given in the Army to selected Indians; what is further, that 10 cadets. I believe, a year are to be recommended to go up for training at the Sandhurst College. Now you will admit that these are very considerable advances, and before you try new tests with your young men, let us see how these work. The military are not in a mood just now to have further taxes on their patience, put and I therefore request the Hon'ble member on the ground that it is not only inadvisable but impracticable to have military training in schools, and secondly for the present, we should watch the results of the University Corps and the Indian Defence Force and the other military organisations in which Bengalis can participate, that would be better for him to withdraw this resolution. I may add that Government cannot accept it."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My lord, I am asked to speak, but I do not wish to prolong the debate with any observations of mine."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My lord, I must make my point clear at the outset by saying that I advisedly used the word 'Government' in referring to schools and colleges in my resolution. If the training is confined only to Government schools and colleges then a large number of instructors will not be necessary. I have not submitted any scheme of military drill as I am not the proper person to do it. All I want is that our boys should be trained in such a way as will prepare them in due course to take up military training whenever required. If for that purpose the word 'military' in my resolution is found to be unnecessary, I have no objection to omit it. In what form the drill should be introduced can only be considered by Government in consultation with both military and educational authorities. My object is not to start military schools and colleges but it is to give our boys some sort of training—something better than what they are getting now—boy scout training or anything, and I want it also to be extended to colleges. Whether the training will be with arms or without arms it is not for me to say, although, I think, with proper safeguards arms may be used. But a beginning has got to be made. I do not know whether Your Excellency thinks that it would be better for us to wait till the report of the Senate Committee is submitted. But all I ask is that the matter should not be rejected. If the principle is accepted by Government, we might wait for the Senate's report. As regards the objection raised by the Hon'ble Mr. Crum about the dearth of instructors and the form of drill with a view to train our boys for a military career, I think, if the principle is accepted those difficulties won't stand in the way. In that view I hope that my resolution will not be rejected. I am not very anxious in what form it is accepted. I perfectly understand that the scheme shall have to be considered in consultation with military and educational authorities. The time has now come for a military training. The reason why there are not more Bengali Battalions is that we have had no military training and no martial spirit was inculcated into our minds. We do not know whether the services of all able-bodied men will not be required for the defence of the country. And I earnestly pray that my resolution will be

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Babu K. M. Chaudhuri; the Maharajadhiraja Bahadur of Burdwan; the President.

accepted in whatever form the Government chooses to accept it. I only hope that the principle will not be lost sight of."

The resolution was put.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My lord, may I make a slight amendment? May I omit the word 'military'."

The Hon'ble the MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"I object to an amendment being made now."

The PRESIDENT said :—

"As objection is made, the amendment cannot be moved."

A division was then taken with the following result :—

Ayes—13.

The Hon'ble Sir Nilratan Sarkar, KT.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Sir Deba Prasad Sarbadhikari, KT., C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Rai Sri Nath Ray Bahadur.
" " Rai Mahendra Chandra Mitra Bahadhur.
" " Babu Mahendra Nath Ray, C.I.E.
" " Babu Kishori Mohan Chaudhuri.

Noes—21.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " the Maharajadhiraja Bahadur of Burdwan.
" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " C. J. Stevenson-Moore, C.V.O.
" " Surgn.-Genl. W. H. B. Robinson, C.B., I.M.S.
" " Mr. L. S. S. O'Malley.
" " Mr. F. A. A. Cowley.
" " Mr. H. P. Duval.
" " Mr. C. H. Bompas, C.S.I.
" " Mr. W. C. Wordsworth.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. J. Mackenzie, O.B.E.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Aminur Rahman.
" " Babu Siv Narayan Mukharji.
" " Mr. F. W. Carter, C.I.E., C.B.E.
" " Mr. W. E. Crum, O.B.E.
" " Mr. E. B. Eden.
" " Mr. E. A. Martin.
" " Mr. H. R. A. Irwin, C.I.E.

The following member abstained from voting :—

The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
" " Mr. J. Donald, C.I.E.
" " Mr. C. F. Payne.
" " the Nawab Bahadur of Murshidabad.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. J. W. Hely Hutchinson.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Babu Bhabendra Chandra Ray.
" " Mr. Altaf Ali.
" " Babu Akhil Chandra Datta.
" " Babu Surendra Nath Ray.
" " Mr. K. B. Dutt.
" " Babu Ambika Charan Mazumdar.

The Ayes being 13 and the Noes 21, the motion was accordingly lost.

Resolution.

Rai D. C. Ghose Bahadur.

LIST OF BUSINESS—ITEM No. 12.

The following resolution which stood in the name of the Hon'ble BABU AKHIL CHANDRA DATTA was held to be covered by the debate on the previous resolution and was deemed to be withdrawn :—

This Council recommends to the Governor in Council that a system of military drill be introduced in all schools and colleges in Bengal.

LIST OF BUSINESS—ITEM No. 13.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR moved the follow ing resolution :—

This Council recommends to the Governor in Council that Government do advise the Calcutta Improvement Trust that in disposing of surplus side lands as building sites, the Trust should, where possible, lot them—

(*i*) in the case of newly-made or broadened streets, having a width of eighty feet and upwards, into plots of not less than one bigha in area ;

(*ii*) in the case of streets having a width of sixty feet, into plots of not less than ten katas ;

(*iii*) in the case of streets having a width of forty feet and less, into plots of not less than four katas ; and

(*iv*) where the surplus land lies by the side of a park or square, into plots of not less than ten katas.

He said :—

"My lord, I crave leave to say a few words on the operations of the Calcutta Improvement Trust created some six years ago with the object of promoting the structural sanitation of Calcutta. Let me assure those connected with that body who happen to be members of this Council that their schemes and their energy in pushing them through are appreciated, and that the criticism which might be offered now is expressed with a sense of regret that, having had the opportunity of shaping the city of Calcutta on the lines of Jeypore in India or Paris in Europe, they have neglected it, and have been content to open out streets without regulating for assorted class and types of side buildings and only keeping their eyes open on the main chance of getting a high price on the land sold.

The Improvement Trust Act cannot be said to be the happiest piece of legislation for the purposes in view, and it is to be hoped that the time is not distant when its proper amendment will be taken in hand. But I must congratulate the Trust Board that despite the damping effect of the war, and the temporary cramping effect of judicial pronouncements, they have made very good progress in their works. They have opened, and are opening out, some wide main thoroughfares of eighty, one hundred and one hundred and fifty feet in width ; a few are of sixty feet, and the great majority are of forty feet in width. The Trust have been selling their surplus lands in the Surtibagan, Shambazar and Bhowanipore sections of the town, and it will be convenient if I refer to their operations in the latter to illustrate the method which I propose to condemn and to show what should be done in furtherance of sanitation and beauty.

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Rai D. C. Ghose Bahadur.

Most people are aware that when building sites are sold in this city, the rate for measurement unit for small plots becomes higher than what one gets if the plot is larger in area. If the reason for existence of the Trust had been only to widen existing streets and then to make large profits by selling surplus lands in very small plots independently of any consideration for their after use, then there is nothing to be said against this way of increasing their cash balance and improving their financial position. That the purchasers would not in such cases be able to leave more than one-third of their respective lands open to the sky, and that they would be compelled to erect four-storied buildings to make their purchases remunerative and make the surroundings insanitary is their affair, and not of the Trust vendor.

This intensive construction of buildings in broad streets which the Improvement Trust are forcing people to make by their lotting surplus lands on broad streets into three to five or six katas for sale as building sites bodes no good to the future of the city. Such a fine street as Russa—the continuation of Chowringhee—is being spoiled in this way. Plots of such small areas may be quite sufficient for the 40-feet roads opened out by the Trust under Scheme No. V in the belt between Russa and Lansdowne Roads so well planned for improvement by them. Men with shorter purses will have opportunities for investment there. But those with longer purses are denied opportunities of putting up large detached buildings anywhere. There is only one plot in Russa Road (North) which has any respectable dimensions—I mean plot No. 90 which looks like ground for an intended extension of the Russa Engineering Works, a concern which deserves well of the city and Government.

I believe the Trust made a mistake in not acquiring lands on both sides of Russa Road and also by making so many exemptions. Exemptions should be made in 40-feet roads, and not so freely in the 80 or 100-feet roads. Small investors should be encouraged to go to narrow streets, and to suit their convenience a broad street should not be spoiled by the sale of lands on it in small plots. If the Trust Board are not interested in the architectural beauty of their streets, they should at least do things in such a way that twenty years hence there might not be again a cry of overcrowding and for getting a new body of Improvement Trust to undo this part of the work of the present body. I hold in my hand a copy of the map published by the present Trust Board showing the lots in Russa Road intended to be sold and also a few which have been already sold. My lord, you will be surprised to learn that a good plot of land between two to three bighas in area abutting Russa Road on the east with a fine frontage of about 300 feet has been divided into twenty-two small lots for sale. When this scheme No. IV for Russa Road widening was put forward, it was estimated by the Trust Board that the nett cost for acquisition of additional land would be *nil*. Probably double the price for surplus lands was anticipated then. The few sales which have already been effected point to an increase four times, and I submit that the Trust should in consideration of such a large increase in the price forego the temptation of pursuing the *bunia's* method of selling in small plots of land on broad roads.

Public bodies when once they come to a determination erroneously on a question, generally stick to their position, and seldom acknowledge their error. I have no hope the case would be otherwise on the present occasion. But the evils looming in the future of the present short-sighted policy of the Trust is my apology for troubling Your Lordship's Council with a prayer for modification of this policy. My difference with them is not much as regards their way of disposing of side lands of 40-feet roads which are larger in number, but with their lotting of sale lands on broad roads."

Resolution.

Mr. Bompas.

The Hon'ble MR. BOMPAS said :—

"My lord, I am instructed to oppose this resolution on behalf of Government. The position of Government is this. Under the Calcutta Improvement Trust Act, it is the business of the Improvement Trust to submit improvement schemes to Government for sanction. When Government receives such a scheme, it deals with it as it thinks proper, *i.e.*, it may sanction it or alter it before sanctioning, or it may refuse sanction, in which case it is returned, and if the Improvement Trust wishes to proceed with it, it has to be altered so as to meet with the approval of Government. This Council will, therefore, see that Government has the fullest control over the improvement schemes which are executed in this city. That is the constitutional method provided by the law by which the control of Government is exercised. For Government to issue general instructions that the Trust should carry out its work in such and such a way is a method of control which is not provided for in the law and which would probably be infructuous ; for the Improvement Trust is not a branch of Government or composed of officers of Government. It is composed of 11 Trustees, of whom 5 are elected and who are under no liability to pay any attention to general directions of Government. There are also 4 Trustees nominated by Government and those gentlemen, who have hitherto served as nominees of Government, have by no means been of the "ap-ke-waste" type ; and I imagine that if these nominees were expected to surrender their discretion in matters that came before them, we should not have ready to serve on the Trust the same type of gentlemen as have hitherto done in the past.

Further, if Government were prepared to issue any such general instructions, it would not issue the particular instruction desired by the Hon'ble Member. I am personally extremely pleased when any citizen of Calcutta takes any interest in the work of the Improvement Trust. The work of the Trust will intimately affect the welfare of the future citizens of Calcutta and it affects many vested interests ; and the more those who are able to advise, favour the Trust with their advice, the better pleased myself and my fellow-trustees are. This question of plotting out of lands is a very important one, but it is not quite so simple as the Hon'ble Member appears to think. A great deal has been written about it, and I have read much of what has been written. It affects the style of buildings which are to be erected and that affects directly the health and welfare of the citizens. It is true that the Hon'ble Member owns a large house in the immediate neighbourhood of Russa Road and if the land on which his house stands had been made a part of Improvement Scheme No. IV, for the widening of Russa Road, then the Hon'ble Member could have obtained one bigha of land on Russa Road ; he would have acquired the land which now intervenes between his own and the road and would have obtained a very nice site. But because the Hon'ble Member would like that lands on the Russa Road should be laid out in plots of one bigha each, it does not follow that everybody wants to have so much as a bigha, and I very much doubt whether that is so. When the Improvement Trust makes a road in the centre of the town, a cotta is there worth Rs. 10,000, and if you parcel out land in plots of one bigha each, the land will alone cost about Rs. 2 lakhs and to put up an adequate building on such a site would cost another Rs. 1½ lakhs or at the present rates even Rs. 2 lakhs. A moderate capitalist would be debarred from acquiring lands on the main thoroughfares constructed by the Trust, and I think that there are a great many people who consider that it would be extremely undesirable to place a monopoly of that kind in the hands of the very rich.

There is another question. The plotting of land of a bigha in area means that the depth will be 170 feet. Now if all building plots on the main thoroughfares constructed by the Trust are to be 170 feet deep, it means that

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Mr. Bompas; Rai Radha Charan Pal Bahadur.

a great deal of land will have to be taken up and that means a great deal of destruction of property. I am very glad that the Hon'ble Member recommends such a proposal. Many people think that the Trust acquires too much land, and as a matter of fact we have not the courage to acquire more than 120 feet deep when we improve a road through a populous neighbourhood; but it is encouraging to know that the Hon'ble Member is prepared to recommend to the Corporation the policy he has advocated.

The Hon'ble Member has in particular referred to the Russa Road; but I do not propose to go into the details of what has been done. I may, however, point out that that quarter is a populous neighbourhood; and it is possibly true that we had not the courage to take up enough of the existing property; but to have acquired to a depth of 170 feet or 180 feet on each side of the road would have involved the destruction of a large amount of property of poor middle class people, the destruction of whose property causes the greatest possible amount of hardship. I may also remind the Hon'ble Member that in one place the Trust did take up a particularly deep area which was not covered by residences but chiefly by insanitary tanks. In consequence of this acquisition, we were involved in expensive litigation, and the Courts held that 60 feet should meet our reasonable requirements. The Improvement Trust has had to continue the litigation as far as the Privy Council in order to get that view of the matter set aside. The fact of the matter is that in plotting out lands one has, as far as possible, to anticipate what the demand of the public is; and although it is probable that in the outskirts of the town, people may desire to have large plots on which they can lay out tennis-courts, gardens and out-houses, it is by no means certain that in the centre of the town, people are prepared to buy on such an extensive scale, and if they bought such large plots they would probably be subdivided and the subdivision will be conducted on inconvenient and insanitary lines. These are practical reasons why we cannot adopt the policy of the Hon'ble Member.

The Hon'ble Member has said that there have been exemptions. The law compels us to grant exemptions if the land can be exempted. It is the spirit of the Act and the spirit of the law which, I know, meets the sentiments of the public of Calcutta. Where a man is willing to pay, he should be left in undisturbed possession of his property and there should be as little dispossession as possible; land should not be acquired simply to be given to another. Exemption constantly takes place, and it is obviously the intention of the law. But if the policy advocated by the Hon'ble Member were to be given effect to, it would render that section of the law practically nugatory. For these reasons, Government are not prepared to issue general instructions for the plotting out of lands in the way the Hon'ble Member desires."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said:—

"My lord, I regret to say that the two members of the Corporation in this Council are on the present occasion on opposite sides. All that need be said on this resolution has been very succinctly said by the Hon'ble Mr. Bompas. My lord, in the first place I want to bring to the notice of this Council that the Russa Road scheme before being taken up was sent to Corporation for their opinion and also published for general criticism. My Hon'ble friend the mover of the resolution as a member of the Corporation had a chance of criticising the scheme in which it was clearly shown that so much land will be taken up for widening the Russa Road and so much land on both sides of the road will be surplus land. The scheme was referred by the Corporation to a Committee and my Hon'ble friend was, I believe, a member of that Committee and I never heard from him at that time that he wanted a larger area to be provided for building sites. If he had proposed it at that time then I believe the matter would have been better threshed out by a more popular and representative

Resolution.

Rai D. C. Ghose Bahadur.

body—not that I mean to say that the Hon'ble Council was not a representative body. In that case, my lord, perhaps my Hon'ble friend would have been required to sacrifice his own house for the purpose of providing one-bigha building site. I find, my lord, that between his house and Russa Road there is a strip of land considerable portion of which has been swallowed up by the roadway and a narrow strip is left over for building site. But if we had followed the policy of laying out a bigha that would have destroyed his property. If I were he, my lord, I would have fought hard for my dwelling house. The central avenue goes right through the heart of the densely-populated Bengali residential quarter. There surplus land to a depth of 75 to 100 feet has been generally taken, and with great difficulty we managed it. Mr. Bompas wanted much more but we had to restrain him and he became somewhat manageable. If you want a bigha for building site, you have got to double that depth. In that case, it would have led to the destruction of residential houses of a larger number of poor middle class people. And how are these displaced people to be housed is a question with which we are confronted. They are generally people of small means earning perhaps 30 or 40 rupees a month and they cannot afford to buy land on a street 100 feet wide and a bigha in area. As regards reinstating these people, I find there was hot discussion in the Council between Mr. Bompas on the one side and Babu Bhupendra Nath Basu and Sir Deba Prasad and Rai Sitanath on the other. It was over sections 78 and 81 of the Act. If the Hon'ble Member's resolution is accepted the problem of reinstating displaced people would become more complicated and difficult. I have tried to clearly put the case. I am intimately associated with the Trust as also with the people. I know the people's need for they come to me morning, noon and night, and I know that the Hon'ble Member's proposal would cause great hardship to the poor middle class people."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said:—

" My lord, I was prepared to have an opposition speech from the Hon'ble Mr. Bompas, but not in the taste which has been displayed this afternoon, referring to my misfortune of being a resident in this quarter; and I thought that the taste displayed by him would not be an example to any other Hon'ble Member of this Council, but it seems that it caught its contagion in my friend to the left (the Hon'ble Rai Radha Charan Pal Bahadur). My lord, I was anxious to hear the arguments on the merits of the case and not to my having been a resident in this neighbourhood. It stands to reason that one who is resident in that quarter is expected to take an interest in the matter and to put forward his views before the constitutional Tribunal or Council; and I think that by being a resident of Bhowanipore I have been able to put forward certain facts which have not been controverted and it shows that it is an advantage to hear one who is a resident of this locality.

Now the Hon'ble Mr. Bompas says: 'What has Government to do in this matter? I am the Chairman of the Improvement Trust and if you interfere in our business, myself and the trustees will withdraw from this work.' It is a threat which, I hope, does not indicate the state of the mind of his colleagues. Whatever may be his own feelings, I imagine they have got a sense of their duties and are receptive of criticisms, though I know that corporate bodies when they come to a decision always stick to it, never mind whether it is unwise or drastic, and they are always reluctant to acknowledge their error. The Hon'ble Members who have made opposition speeches have not shown that my arguments are unsound. The Hon'ble Rai Radha Charan Pal Bahadur is a member of the Improvement Trust Board, and I gather from his speech this afternoon that he has been instrumental, as he said, in persuading the Chairman to come to this decision that the plots should be as small as

Resolution.

The President; Mr. P. C. Mitter.

possible, so that the poor and middle class people who throng his house every morning and evening should have their views adopted by the Trust. It seems that the Hon'ble Rai Bahadur is playing to the gallery and evidently he has no thoughts of posterity. He should remember that Calcutta is a historic city, and when a traveller from the far West comes to Calcutta, having heard that it is the second city in the British Empire, and passes St. Paul's Cathedral southwards, he passes to a place which is very unsightly and insanitary. What is the argument we have got from the Hon'ble Mr. Bompas. ? I do not think he has given us any substantial arguments whatever. He says that he has done it to suit the necessities of the poorer people. I suppose, Sir, that poor people sometimes expand and become suddenly rich. I suppose that many Hon'ble Members are aware that a section of the Indian community have got money as a God-send owing to the war. Those who are engaged in trade or any business have suddenly become rich. If the Hon'ble Mr. Bompas had been at the sales which were recently held, he would have known that the buyers at those sales were not local men with the exception of very few, but are outsiders who are engaged in trade and who have made a lot of money on account of their speculations and are now investing their money in these land purchases. This could have been easily ascertained from the men of this locality. But, as I said, poor people expand and suddenly become wealthy. What I suggested was that lands on two or three wide streets such as Russa Road, etc., should be dealt with in such a way that men with long purses would have opportunities to put up good buildings there, and I am very sorry that my Hon'ble friend opposite (Mr. Bompas) should have chosen to have a fling at me and to bolster up his position. My lord, I should have welcomed some substantial arguments as to why the continuation of Chowringhee Road should not be dealt with in such a way that people might consider it equally sanitary and fine looking and not as a road meant for residence of 'natives' and therefore its sides and surroundings made nasty in perpetuity. It is for the consideration of the Council whether my resolution should be accepted or not."

The resolution was then put and lost.

The PRESIDENT said :—

I have received a request from the Hon'ble Babu Akhil Chandra Dutt for the postponement of the next Resolution (Item No. 14 on the Business Paper), on the ground that he has been unable to reach Calcutta this afternoon, and I have agreed to do so. For the convenience of Hon'ble Members I propose now to take up Item No. 15 and after its discussion to adjourn till to-morrow.

There is a meeting of the Provincial Agricultural Association to-morrow at 11 A.M., and I understand that some Hon'ble Members desire to attend that meeting. I propose that after we have concluded the discussion on Item No. 15, we may adjourn till midday to-morrow.

LIST OF BUSINESS—ITEM No. 15.

The Hon'ble MR. PROVASH CHUNDER MITTER moved the following resolution :—

This Council recommends to the Governor in Council that immediate steps be taken to organise the cloth weaving industry in Bengal with a view

Resolution.

Mr. P. C. Mitter.

to relieve the distress caused to the poorer population of the province owing to the prevailing high prices of cloth.

He said :—

"My lord, at this late hour I shall speak as briefly as possible. Knowing your lordship's sympathy in the matter I refrain from discussing the question apart from general principles. I have asked a certain statement which I have compiled from the census table, to be handed to the Hon'ble Members of this Council; and from that statement, Hon'ble Members will see from column 2, that the total number of male weavers in Bengal is 144,168 and the number of female weavers is 45,303. I may perhaps explain that the females are generally engaged in helping their male relations in various preparatory processes. In the district of Midnapore, the total number of male weavers is 13,619; and there are large centres such as Jessore, where there are 10,597, Pabna 9,064, Dacca 12,567, Faridpur 10,187, Tippera 9,159. There are some districts where the weavers are in larger numbers than in others. If we take the total number as one lakh whom we can organise by active attempts, let us consider what the position will be. In order to consider the position, I ought to tell the Hon'ble Members that at the present moment, most of the weavers use their primitive looms which are good enough for ordinary purposes. By using the Serampore fly-shuttle loom, they will be able to weave 10 to 12 yards of cloth daily. That means that a lakh of weavers at their present rate, *i.e.*, 5 yards per day, can weave 15 crores of yards a year. If we could introduce the Serampore fly-shuttle loom, they could at least double their outturn, and that outturn will amount to 30 crores of yards. My lord, the cost of a Serampore loom is only Rs. 25, but it does help the weaver in earning at least 5 annas a day more. So it stands to reason that if the industry can be organised, it will be a very good thing for the weavers and also for the community at large. My whole point is that the weaving industry is at present disorganised and a better loom should be introduced. The total amount of cloth which Bengal requires at a rough computation is something like 90 crores of yards. Manchester does not supply all that cloth but a large percentage of it. At the present time at least 10 crores of yards are supplied locally. Therefore if the industry is organised it will not only bring more money to the weavers in the shape of living wages but it will be of great assistance to meet the present situation.

My lord, there is another point on which organisation might help a good deal and on which I desire to touch very briefly. It is well known that by the time the yarn goes to the weaver its price goes up as it passes from the big importing houses to the weaver through several middlemen, and the same process is repeated with regard to the finished article. I do not think that I should discuss the nature of the organisation in detail, but I may suggest some of the main heads. The first is by an extension of the co-operative movement. I know, my lord, that Your Excellency's Government is already doing much in this direction; but perhaps regard being had to the present situation, more may be done. Government has already established outlying branches of the Serampore Weaving School in several places such as Bankura, Malda, Tangail and Cox's Bazar. It may also be possible, provided suitable persons are forthcoming, to encourage private enterprise by Government help in the shape of expert advice. But it is obviously a point which depends on the fact whether suitable private enterprise is forthcoming. I therefore refrain from discussing details.

The Hon'ble Sir Henry Wheeler has intimated in the course of the debate this morning in connection with another resolution that a committee

Resolution.

Mr. Cumming.

will be appointed. All that I ask for is that this resolution may be sympathetically considered and may be given effect to as far as possible. I need hardly add that the acceptance of the principle of this resolution will have a very reassuring effect on the public mind at the present moment."

The Hon'ble Mr. CUMMING said :—

"Sir, I shall endeavour to emulate the Hon'ble mover in the commendable brevity of his remarks at this late stage of the present sitting. The Hon'ble Member desires that steps should be taken to organize the cloth weaving industry in the province. I should like to say at once that Government are prepared to accept this resolution. The Hon'ble Member has made several suggestions as to the forms and agencies by which his proposals may be carried out ; and I will say on behalf of Government that in accepting the resolution they do so on a certain understanding. This understanding is that the agencies for any advance should be, first, the co-operative movement to which the Hon'ble mover has referred, secondly, the Weaving Institute, and, thirdly, the agricultural improvements. On all these lines Government are taking action at the present moment. On that understanding Government accept the resolution ; for it must be realised that there are some factors in the problem over which Government can exercise no effective control at all.

Without going into details I may inform the Council that it is a matter of common knowledge that the weaving class is probably the most conservative of all the industrial classes in the Presidency, and there is no class which seems to be in such a chronic state of insolvency to money-lenders. Nevertheless, there is some ray of hope in the organization of co-operative movement amongst the weavers. Such organization has been created in the Bankura and Pabna districts and further developments are expected in Tippera. Midnapore, Hooghly, Nadia and Jessore districts. I am glad to inform the Council that a most definite advance has been made in the Bankura district owing to the demands of the Munitions Board ; nevertheless, whatever may be done by the co-operative movement the fact remains that cloth can only be produced from yarn and the yarn has to be bought. The next matter therefore is the provision of yarn at moderate prices, and that is really the crux of the position at the present moment. The supply of cotton yarn is rather a commercial problem than an industrial problem, and the matter has been fully discussed in connection with the resolution of the Hon'ble Maulvi Fazl-ul-Haq. As regards cotton growing, the record of the Agricultural Department is unfortunate. Any cotton grown at present in Bengal is grown in certain hill areas, in the Chittagong Hill Tracts and in Hill Tippera. Many attempts have been made since the middle of the last century to grow long-staple cotton in the plains of Bengal, but every attempt has so far been a failure. This year 200 maunds of seed have been imported from other provinces and have been supplied to various people in the province, and experiments have been made in the Dacca Agricultural Farm with the object of determining the suitability of certain cotton for sowing on high lands. The great obstacles to the spread of cotton growing in Bengal are the heavy rainfall and the great variety insect pests to which cotton is peculiarly susceptible. Notwithstanding the conservatism of the class in question, the high price of the yarn and the climatic opposition to the prosperity of the cotton crop in the plains of Bengal, both the Registrar of Co-operative Societies and the Director of Agriculture have been and will be desirous of increasing the production of the raw product and the manufactured article. On such an understanding, Sir, Government are prepared to accept the resolution."

Resolution.

Mr. P. C. Mittr.

The Hon'ble MR. P. C. MITTER said :—

"My lord, I accept the understanding."

The resolution was then put and carried.

Adjournment.

The Council was then adjourned to Thursday, the 4th July, 1918, at 12 noon, at Government House, Calcutta.

A. M. HUTCHISON,
Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.)

CALCUTTA;
The 23rd July, 1918.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Thursday, the 4th July, 1918, at 12 noon.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble Mr. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, G.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble Surgn.-Genl. W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. C. H. BOMPAS, C.S.I.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. J. MACKENZIE, O.B.E.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble BABU SIV NARAYAN MOOKERJEE.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E., C.B.E.

Resolution.

The President; Maulvi A. Kasem.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble MR. E. B. EDEN.

The Hon'ble MR. E. A. MARTIN.

The Hon'ble MR. H. R. A. IRWIN, C.I.E.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZL-UL HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

[The discussion of the resolutions on matters of general public interest left over from the previous day's meeting was resumed.]

LIST OF BUSINESS—ITEMS Nos. 16 & 17.

The following two resolutions stood in the name of the Hon'ble BABU AMBICA CHARAN MAZUMDAR :—

This Council recommends to the Governor in Council that the grant-in-aid rules, as approved in the Government of Bengal, General Department, letter No. 408 Edn., dated the 25th February, 1918, be either withdrawn or so modified as to leave a substantial measure of independence to the School Committees.

This Council recommends to the Governor in Council that the powers given to the inspecting officers for supervising the promotions of pupils from one class to another and for selecting candidates for the Matriculation Examination, be wholly withdrawn, such powers being vested in the Head Master subject only to the supervision and approval of the School Committee concerned.

The PRESIDENT said :—

I have received a request from the Hon'ble Babu Ambica Charan Majumdar for the postponement of items Nos. 16 and 17 on the ground of illness, and I have accepted that as a reasonable ground for postponement of the motions till the next meeting of the Council.

LIST OF BUSINESS—ITEM No. 18.

The Hon'ble MAULVI ABUL KASEM moved the following resolution :—

This Council recommends to the Governor in Council that so long as no European officer of the Indian Educational Service is available for the post of Assistant Director of Public Instruction for Muhammadan Education, a Muhammadan member of the Provincial Educational Service be appointed to hold the post.

Resolution.

Maulvi A. Kasem.

He said :—

"My lord, I believe that the suggestion in this resolution is very simple, and I hope that Your Excellency's Government will see their way in accepting it. About the year 1913, it was thought desirable to appoint a special officer as Assistant Director of Public Instruction for Muhammadan Education, in order to enquire into the difficulties which Muhammadans feel in prosecuting their studies and also to adopt the best means for spreading education among the Muhammadans ; and Mr. Taylor of the Indian Educational Service was first appointed as the Assistant Director of Public Instruction for Muhammadan Education. Mr. Taylor has since gone to military duty and as there is a dearth of European officers of the Indian Educational Service the arrangement at present is that the official duties of the Assistant Director for Muhammadan Education are now performed by the General Assistant Director Mr. Gunn. I know, my lord, that this officer is a very able and energetic officer and has a great capacity for work and is well known for the despatch of work in his office. But the reason why I move this resolution is that the work concerning questions of Muhammadan Education requires the officer holding that post to go out to different parts of the Presidency to enquire what the needs of Muhammadans are and how they can be met, either by Government or by local organisations. Mr. Taylor used to spend a good deal of his time on his tours, and on his return to headquarters he used to make certain recommendations which were duly considered by the Director of Public Instruction ; now Mr. Gunn, the gentleman who is doing Mr. Taylor's work in addition to his own duties, has to dispose of a large amount of work, and I trust, and the Hon'ble the Director of Public Instruction will admit, that his duties are very heavy and that he cannot afford to go out often on tour. There was some apprehension in certain quarters that the post of Assistant Director of Public Instruction for Muhammadan Education had been abolished. So I put a question to that effect and was assured that there was no intention of abolishing the post and it was explained by Government that the duties of the two officers were now combined in the same individual simply on account of the want of officer of the Indian Educational Service. I may add that when the appointment was first created, a suggestion was made that the appointment should be held by a Muhammadan; but the Muhammadan gentlemen whose opinions carry weight, were of opinion that the appointment should be held by a European and a member of the Indian Educational Service. I think the suggestion, so far as we are concerned, was quite satisfactory, and did in fact bring about excellent results. But what I suggest at the present moment is that during the period of war, when no officer of the Indian Educational Service is available, these duties should be performed by a member of the Provincial Educational Service and thus fill up the gap during the absence of the permanent incumbent. This has been done in many other services, as in the Indian Medical Service, the places of those officers who have been requisitioned for military duty have been taken by Assistant Surgeons—several of these Assistant Surgeons are now officiating as Civil Surgeons. In the general administration the places of many I. C. S. Subdivisional officers, who have gone on military duty, have been filled by men of the Provincial Service. In this particular case my suggestion is that a Muhammadan officer be appointed temporarily as Assistant Director of Public Instruction, who may go about the whole province and look into the needs of the Muhammadan community and submit his recommendations to the Director for his approval, and also be in correspondence with the different Inspectors of Schools in consultation with whom he may be able to solve many questions. At the present moment, we cannot afford to neglect questions concerning Muhammadan education. Everyone admits that so far as Western education is concerned, we are still very backward ; and we have just

Resolution.

Khan Sahib Aman Ali; the Maharajadhiraja Bahadur of Burdwan.

begun to take keenly to higher education, and we are exercising an influence in this matter. At this moment any want of encouragement or advice or any neglect will retard the progress that has been made, and it will indeed be very difficult to make up the lost ground. I submit that there will be no difficulty in making an appointment of a Provincial Service officer, and although I have mentioned the word 'Muhammadan', I am not very keen to the office being held by an official of my persuasion and religion; I did it because I thought that it would be more acceptable to Government; I have, however, no objection to a Hindu Provincial officer being appointed to hold charge. I believe that any officer who takes an interest in the work will do the work honestly and conscientiously. What I want is a special officer to hold charge of the office. As regards the members of the Provincial Service I beg to submit that there are many senior members who, previous to the present arrangements, held independent charge of Divisional Inspectorships and whose services were duly recognised both by Government and the Department of Education. I see no reason why they should not be thought eligible to hold this office temporarily. There is a grievance amongst my countrymen that the claims and the interest of these Provincial Service men, who have held permanent charge of Divisional Inspectorships, are overlooked and neglected at the time when members of the Imperial Services were intended for these appointments. With these words, I beg to commend this resolution to the acceptance of this Council."

The Hon'ble KHAN SAHIB AMAN ALI said :—

"My lord, I wholeheartedly support this resolution. I do not wish to take up the time of this Council, but I wish to say a few words. If a Muhammadan officer be appointed to this post, it will give him a trial to prove whether he is able to discharge these onerous duties. This will further be an encouragement afforded by Government to the Muhammadans. As everyone knows, we are very backward in English education and there is no doubt about it. A Muhammadan is expected to know more about the needs of our community than any other officer of other persuasions. With these words, I cordially support this resolution."

The Hon'ble the MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"My lord, I am afraid the Hon'ble mover of this resolution has brought in a question which does not really assist the object which he has in view. We have got first of all to look at the duties of the Assistant Director for Muhammadan Education, and looking at that we find that there was sufficient reason for the conference in 1916 on the question of Muhammadan Education to make this recommendation. Recommendation No. 94 runs as follows :—

'That we understand that, according to the original orders sanctioning the post of Assistant Director for Muhammadan Education, Bengal, this officer should be placed in respect of Madrassas and Maktabs in the position of an Inspector of Schools and should be given full powers of initiation and control which are vested in an officer of this class; that he should correspond direct with the Director of Public Instruction with regard to these institutions and that they should be removed from the jurisdiction of the Divisional Inspector of Schools. In addition, the Assistant Director of Public Instruction for Muhammadan Education has to visit educational institutions of all kinds in order to look after the interests of Muhammadans in these institutions. We feel that it would be to the disadvantage of Muktabs and Madrassas if they were removed from the control of the Divisional Inspector. Muktabs in particular get all the grants from the District Boards through the District Deputy Inspector of Schools, who is an officer subordinate to the

Resolution.

Maulvi A. Kasem.

Inspector of Schools. As far as administration is concerned, we feel that it would be a mistake to move these institutions from the control of the Divisional Inspector.

'We think that the Assistant Director of Public Instruction for Muhammadan Education should be an integral part of the Director of Public Instruction's office, and that his chief duties should be to see to the interests of Moslems in general educational institutions. In this case there would be no need for his separate office and establishment.'

Then the report goes on to discuss the question of office and establishment.

Now, my lord, looking through the report—and I hope the Hon'ble Member will correct me if I misunderstood what he said—we find that when this post was created, there was a considerable concensus of opinion among the Muhammadans that the post should be held by a European. Moreover, some members of the conference who knowing the backwardness of their own community, even went to the length of suggesting that the Headmasters of Government high schools should be Europeans or Eurasians generally. This is a quotation which I make from the Hon'ble Nawab Ali Chaudhuri's opinion. This shows that the Muhammadan gentlemen who were then consulted were of opinion that for the best interests of Muhammadan Education it would be better to have a European official at the head of affairs specially in a post like the one now under discussion. Moreover the present arrangement has been accepted after the consideration of many alternatives as being best in the present circumstances, both for education in general and for the Muhammadan community in particular. The present officer in charge, Mr. Gunn, has high qualifications and wide experience, and Government is confident that the welfare of Muhammadan Education is receiving and will receive proper attention from him. Government is therefore of opinion that the appointment of a Muhammadan officer of the Provincial Educational Service would not add to efficiency. Moreover, if the point is, as Mr. Kasem has pointed out in his speech, that Mr. Gunn cannot do any touring, I may say that when Government has made this temporary arrangement owing to the paucity of officers it has also arranged that Mr. Gunn should go on tour in the latter half of July to Dacca and other places, to look into the interests of Muhammadan Education. For these reasons Government, as at present advised, cannot accept this resolution, and I would point out to the Hon'ble mover and the gentleman who supported him that for the best interests of Muhammadan Education itself it would be wise to leave the present arrangement as it is. Government is perfectly aware of the fact that there are Muhammadan officers who are able and who in time, no doubt, will be able to hold appointments like this, but I think that when Government takes so much interest in Muhammadan Education, and that when it presses that the present arrangement is the best for Muhammadan Education, the Hon'ble mover will withdraw his resolution."

The Hon'ble MAULVI ABUL KASEM said :—

"My lord, after the statement made by the Hon'ble Member in charge, I do not think that it will serve any good purpose to press this resolution. In asking for permission to withdraw it, I only wish to state that I am glad that arrangements have been made for Mr. Gunn to go out on tour for a few days, but what I wanted to press was that Mr. Taylor used to visit all the districts every year and he used to tour for about nine months in the year. However as Government is not prepared to accept this resolution, I have no alternative but to ask for permission to withdraw it."

The resolution was then, by leave of the President, withdrawn.

Resolution.

Maulvi A. Kasem.

LIST OF BUSINESS—ITEM No. 19.

The Hon'ble MAULVI ABUL KASEM moved the following resolution :—

This Council recommends to the Governor in Council that the number of members of the District Board of Burdwan be increased from eighteen to twenty-four.

He said :—

"My lord, it would appear that it is a question of too trivial a nature to deserve the attention of the Legislative Council, but as I found it difficult to draw the attention of Your Excellency's Government to this matter by any other means, the only course open to me was to bring it up in the form of a resolution. The prayer in this resolution is that the number of members of the District Board of Burdwan should be increased from 18 to 24. From the Local Self-Government Act, it appears that it. rests with the Government of India to fix the number of members, and the Government of India. for reasons which were known to the officials in charge of that Government, fixed the number at 18 for the district of Burdwan, and if I read out to this Council the numbers fixed for other district of a smaller nature, Hon'ble members will understand the reason for my demand.

Burdwan	18 members	with an area of	2,368 sq. miles.	
Hooghly	27	ditto	ditto	2,261 sq. miles.

The income of Burdwan is Rs. 6,15,000, whereas that of Hooghly is only Rs. 5,343.

Similarly, in Howrah, Midnapore, Murshidabad, 24-Párganas, we have got generally 25, Jessore 21 and Bankura 17, but the latter is a very small district. Mr. Lees, the Commissioner of the Burdwan Division, is reported to have remarked that he could not see any reason why that number (18) was fixed for Burdwan. The Burdwan District Board has a large area and a large income, and we want that the number should be increased to 24. My reason for this increase is that the number being small the vested interests in the district cannot be properly represented.

The Muhammadan community for example is very poorly represented on the District Board, and if Government proposes to give adequate and fair representation to the Muhammadans, then other interests will have to suffer and some of these will have to go unrepresented on the District Board. Then, my lord, we have got four subdivisions including the Sadar, and as is the case with other district board, if we have all the subdivisional officers as members of the Board to give the Board their official experience, in that case we cannot have more than twelve nominated members because with the Civil Surgeon and the Deputy Inspector of Schools, there are at least six salaried servants, and at least twelve nominated members, and in order to have twelve nominated members under the present Act, we must have twelve elected members ; the present practice is that they nominate the subdivisional officers by rotation, that is, on one occasion the subdivisional officer of Katwa, on the other the subdivisional officer of Kalna. The Sadar subdivisional officer has never been given a seat on the District Board. It was only on the last ocasion by some arrangement that five officials got into the District Board. The Asansole local board failed to choose their representative, and their right vested in the Government and by that right the Government appointed the subdivisional officer of Asansol as one of the members. I think on that ground and also on the ground that all the interests are not properly represented on the Board, the number should be increased. There is also one other reason.

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Rai M. C. Mitra Bahadur; the Maharajadhiraja Bahadur of Burdwan.

Burdwan is one of the few districts which has the privilege of rather the honour of having a non-official as Chairman of the District Board. I submit that in order that our choice may be popular that the electorate should be a little larger than what it is at present. I submit also that the request to raise the number to 24 is not at all an unreasonable one. I might be told that in view of the Government of India resolution on Local Self-Government, the constitution of the District Boards and the municipalities are to be changed in the near future, and that there is no immediate hurry in considering this question at the present moment. With reference to that I submit that whatever may be the future constitution of the District Boards, what I want is this, that the Burdwan District Board, so far as its strength and number of members are concerned, it should be put on the same level as that of neighbouring District Boards such as Hooghly, Nadia, Jessore and 24-Parganas. I hope that Your Excellency's Council will accept this recommendation. I may inform this Council that the members of the District Board approached the Commissioner of the Burdwan Division with a similar request and he promised to look into the matter. However, I do not know what has been done, and I submit this resolution at the request of several members of the District Board, including the Vice-Chairman himself, and I hope that it will receive acceptance from Your Excellency's Council."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My lord, I support the resolution. It is a fact that there is truly a limited number of representatives in District Boards. From subdivisions there are very few elected members. Under the provisions of the Act, Local Boards are to send in their representatives to District Boards and that two-thirds of the members are to be elected and one-third nominated. This is a point which deserves consideration. There should be changes, my lord, in the constitution of the Local Boards, so that more elected members may be sent to the District Boards. There ought to be an extension of the electorate and there ought to be popular representation throughout the district. In this view of the matter I ask the Council to consider whether it is desirable to increase the number of members of the District Boards."

The Hon'ble the MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"My lord, it is true that for some reason unknown to us at present, the Hooghly District Board—from where the Hon'ble Rai Mahendra Chandra Mitra Bahadur comes—with a population of nine lakhs should have 27 members. But if we were to take Burdwan with its 18 members and compare it with that of Bankura and even Midnapore, and also if we went further and compared it with Chittagong and Tipperah, we would find that Burdwan is not doing so very badly. But in this connection what I must first of all point out to the Hon'ble mover of this resolution is that in a matter of this kind Government cannot move on its own initiative. They are, however, quite prepared to consider proposals provided they come up from the District Board itself. If the members of the District Board were to approach Government through the proper channel, I am sure the matter would receive the fullest consideration. As to the inadequacy of Muhammadan representation on the District Board of Burdwan, I can assure the Hon'ble mover that Government have taken notice of that fact already, and I believe a remedy is under consideration such as may be possible under present circumstances. Moreover, the thing is not as easy as it appears on the surface. In giving any increase in the number of members of District Boards, we shall have to take into consideration the different Local Boards in the district. We shall have to consider how the seats are going to be distributed, and these things cannot be done until we have the reports of the local officers on the subject, and I would,

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Maulvi Abul Kasem ; Babu A. C. Dutta.

therefore, request the Hon'ble Mover of this resolution that if he could get his District Board to come up with its proposal for an increase, I am sure it will receive the careful consideration of Government."

The Hon'ble MAULVI ABUL KASEM said :—

"My lord, I shall only express my thanks to the Hon'ble the Maharajadhiraja Bahadur of Burdwan for his assurance that if representations are made to Government by the District Board, they will receive careful consideration at their hands. I could not certainly expect more than this. I will lay this before the members of the District Board and I am sure they will do the needful.

Reference has been made to Muhammadan representatives in the Board. I do not like to speak about this, but as the Hon'ble the Maharajadhiraja Badadur, fortunately for me, is familiar with all the affairs of Burdwan, especially the Muhammadan question. I beg to submit for his consideration, that the Muhammadan gentleman came to be appointed by the District Magistrate at the recommendation of the Muhammadan Association, who chose him at one of their special meetings in which we were not called for reasons which we do not know. This gentleman does not live in Burdwan but lives in his father-in-law's house in another district as a *ghar-jamai*, which, by the way, is a very humiliating position for an Indian. With these words, my lord, I beg leave to withdraw this resolution and I hope when the District Board of Burdwan comes up with their representation Government will do the needful.

The resolution was then, by leave of President, withdrawn.

LIST OF BUSINESS—ITEM No. 14.

The Hon'ble BABU AKHIL CHANDRA DATTA moved the following resolution :—

This Council recommends to the Governor in Council that steps be taken to safeguard the interests of the growers of jute in Bengal and to ensure an equitable apportionment of profit between the jute mills and the jute growers.

He said :—

"My Lord, a word about the wording of the resolution. The wording of the second portion of the resolution is not quite happy. I did not mean to say or suggest that the profits that are now being made in jute mills should be shared with the growers. I did not mean anything like this. All that I meant to suggest is that steps may be taken which would ensure the growers a fair price for his jute. That is all that this resolution seeks to recommend.

Bengal is the only jute-growing country in the world. She supplies raw jute and jute manufactures to the whole world. She sends gunny-bags and cloth to the United States, United kingdom, Australia, Australasia, France, Portugal, Russia, Italy, Roumania, Greece, Chili and Peru, Cuba, Hayti, Argentina, Canada, Java, Natal, Cape Colonoy, Egypt, East Africa, Transval, Rhodesia and Nyassal and Mauritius, West Indies, Hong Kong, Porto Rico, the Sandwich Islands, the Philippines, Ceylon, Japan, and Madagascar, the Straits Settlements, China, Formosa, Siam, the Philippine Islands, and Dutch Borneo, besides Burma, Madras, Karachi, Bombay,

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Pondichery, the Punjab, the United Provinces, and other Provinces in India. Some idea about the extent and magnitude of the jute trade may be formed from the fact that it represents over 60 per cent. of Calcutta's export trade. Nature has given her a monopoly of jute. It is a commodity which is not only useful but is indispensible for various branches of trade and commerce without which the world cannot get on now. In fact the cornsack and bags of other descriptions for holding various kinds of grain is now looked upon by the civilised world as a prime necessity of life. A position of greater advantage can not therefore be conceived. In ordinary course the jute growers of Bengal should be in a position to dictate their terms to all the customers hailing from the different parts of the world, from China to Peru. But inspite of this unique advantage of her position the poor cultivators cannot keep their heads above debts. In normal times the conditions of cultivators is anything but what it should be. The demand for jute and jute manufactures has, however, increased beyond all measure during the war. If the jute growers and the jute manufacturers should prosper at any time that time should be this. As a matter of fact the jute mills of Bengal have enjoyed unparalleled prosperity even since the outbreak of the war. The profits they have been making are simply fabulous. The advance in the gunny trade has been substantial and enormous, the expansion being both in volume and value. The Collector of Customs, Calcutta, describes the prosperity of the mills in his report on the maritime trade of Bengal for the official year 1916-17 in these glowing terms.

'Reference has already been made to their *stupendous prosperity* for nine months of the year under review. At the close of 1915 their profit, for that year of Rs. 4·4 crores, was considered a marvellously good aggregate, but what is this compared with the Rs. 6·49 crores of profit with which 1916 has been credited?'

We take the following from the *Indian Daily News* of a recent date.

'The Gouripore mill has paid Rs. 150 per share for the half-year and Fort Gloster eighty rupees per share for the same period and Kinnison has paid Rs. 125 per share. Gouripore has 1,255 looms, Fort Gloster 1,250 and Kinnison 1,221. Gouripore is now under the Mackinnon group, which is said, in the bazar, to have gone bull and surpassed all the rest in money making and *the Indian mill results are much talked about.* Budge-Budge has made about 22 lakhs for 782 looms, which seems to work out *as good as any results published hitherto.* Albion is said to have made 13 or 14 lakhs on 340 looms, which is *even better.*'

It is not merely the aggregate profits which have created such a flutter in the mercantile world but the price has also risen very remarkably. The price of bags has risen from about Rs. 16 to about Rs. 32 per 100 bales. The 'money and markets' column of the newspapers has become an extremely interesting study and shows how the price of jute shares are rising by leaps and bounds, the price of shares in some mills having risen to about Rs. 800. These are the blessings of the war so far as the jute manufactures and the Jute manufacturers are concerned. It is a fundamental principle not only of political economy but also of common sense that the price of raw jute should rise and fall in a certain ratio with the rise and fall in the price of the jute manufactures. A gunny bag is made of raw jute. The price of raw jute must therefore rise as a matter of course with the rise in the price of gunny bags. It is difficult to conceive the price of paddy (ধান) falling when the price of rice (চাউল) is rising. The last four years should, therefore, have been an exceptionally good time for the jute growers of Bengal. But, my Lord, ours is a land of surprises where the most unexpected always happens. For nothing is more uncontroversial to-day than the fact that the price of raw

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Jute has fallen simultaneously with the rise in the price of Jute manufactures. The cultivators of Bengal must be an extremely ill-fated people and by an irony of fate, the war, which has brought plenty for the manufacturers, has reduced the growers to a most abject condition of utter helplessness and misery. The god of war has come with gifts in his two hands, bringing in his right hand phenomenal prosperity for the manufacturers and abject misery in his left for the growers. The fall of the price of raw jute with the rise in the price of jute manufactures is an economic phenomenon which it is difficult to appreciate. My Lord, there must be something radically wrong somewhere in the machinery of jute trade, which alone must be responsible for this economic anomaly and absurdity. The poor cultivators of Bengal appeal to Your Excellency to find out the plague-spot and to take such steps as will secure to them the fruits of their labour.

A true diagnosis must precede a prescription of remedy. The question therefore arises what is the root cause of this great anomaly? 'The great scarcity of tonnage,' 'the financial difficulties in exchange,' 'the continued non-participation of the Central powers' in the trade these are some of the circumstances which are said to have contributed to the fall in the price of raw jute. The difficulty of tonnage cannot be altogether overlooked. But at the same time we cannot shut our eyes to the fact that gunny bags and cloth are being incessantly exported and that the tonnage difficulty has never been allowed so far to stand in the way of such export. So far as the tonnage question goes it does not matter very much whether what is exported is pucca bale or jute manufactures. I am informed that very recently the Government has allowed some pucca balers to export jute to meet the requirements of Dundee mills. This explanation therefore does not go far enough. What is true of the tonnage difficulty is also similarly true of the difficulty in exchange. This difficulty has never prevented the Government of India from sending gunny bags and cloth from the local mills to Russia, France, Australasia, Peru and other countries.

The true explanation must be sought elsewhere. It appears to me that the absence of all competition both, foreign and local, is the plague-spot in the system of the jute trade at the present moment. Competition amongst the customers ensures a fair price to the growers as monopoly of purchase, direct or indirect, is disastrous to their interests. Before the war there was a competition amongst all the countries to which jute was exported. Export has of course been stopped to those countries who are at war with the British Empire, and nobody can complain of this. These countries must be ruled out of the market. But there has been a persistent tendency to prohibit export of jute to other countries also. On the 7th March 1917 exports of raw jute were prohibited even to the United Kingdom, the Government taking possession of all jute then in transit. The export was also discouraged by the enhancement of duties. On the 1st March 1917 the export duties were doubled, only the war bags and cloth being exempted, and consideration being also shewn to back commitments. These restrictions no doubt undermine very considerably the wholesome competition which guaranteed a fair price to the growers before the war. But the greatest blow upon the competition was given by the special contract which has been entered into by the Government of India with the local mills and under which the latter supply gunny bags and gunny cloth to meet the military requirements not only of the British Empire but also of all the allied armies. Quarterly agreements were come to between the local mills and the Home Government, the necessary supplies being contracted for in the first instance as from the 1st October 1915, at something under current market rates. Under these arrangements no less than 297 million bags and 35 million yards of cloth were supplied in 1915-16 *under the order of the British Government*, to the United Kingdom, Russia and France. In 1916-17 the quantities despatched were 385 million

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bags and 135 million yards of cloth. Of the bags, 307 million went to the United Kingdom, 35 million to Russia and 25 million to France. The United Kingdom also took 84 million and France 51 million yards of cloth. But for this contract, these countries would have purchased raw jute from Bengal. The result would have been a two-fold competition between these countries themselves and competition between them and the local mills. This arrangement while shutting Russia, France and other allied countries off the open market, gives the mills practical monopoly of all business with those countries, so far as their military requirements go. Thus by one stroke of the pen the growers and dealers of Bengal are made to bid good-bye to their exporting customers and the only purchasers left to them are the local mill owners, who of course take full advantage of this unique position and compel the growers and dealers to accept any terms which they may be pleased to offer. The inevitable and disastrous result of this arrangement is now well known. It is abnormally low price of raw jute and abnormally high price of jute manufactures. Those who grow the jute are starved. It does not fetch them enough food to keep their body and soul together and enough raiment to cover their shame. So inspite of the increased and increasing demand for jute and jute goods caused by the war, the lot of those who grow them is not only not improved, but has deteriorated very greatly. The toiling masses are deprived of their morsel of food only to enrich a few capitalists. What is loss to the growers is gain to the manufacturers. The loss on the part of the cultivators is loss of the barest necessaries of life—it is literally a loss of food and raiment. The gain on the part of the capitalists is addition of wealth which has been so happily described by the Collector of Customs as "stupendous prosperity" and which according to the *Indian Daily News* is now so much talked about. My lord, this can only be justified by the doctrine of the maximum of good for the minimum of people.

I shall quote here the verdict of a most disinterested and dispassionate critic. Mr. R. B. Rees, member of the Victoria Legislative Council, Australia, has said only the other day :—

'When the war boke out, the jute trade of Calcutta got into the hands of the mill owners, the balers and the speculators of the bazar and stock exchange. Being free from foreign competition this combination pressed down the raiyat (growers of jute) until the price paid to the grower is below pre-war prices, and only on a par with what the grower got 20 years ago, yet the price of the finished article, hessians, twill, etc., is more than double the price before the war.'

It is certainly interesting to know why on earth the British Government goes out of its way and enters into a contract with the local mills on behalf of all the allied powers? Why not allow France and other allied countries to carry their own dealings with the dealers and balers and mill owners of Bengal unhampered by any action of the Government? Why not allow them to deal with each other at arm's length? Why not allow the growers to reap the full benefit of competition amongst all the customers? Why interfere with their trade? Why not allow the growers to take the full advantage of the unique position which they hold in the world with respect to jute, subject to only such restrictions as may be necessary to be imposed on Germany and her colleagues? Why does the Government take up the agency of so many customers? These are questions which are bound to occur even to the most superficial observer. My lord. I do not propose to give my own opinion; I shall only place before this Council the version which the Collector of Customs has placed before the world on behalf of the Government. 'The principle,' we are told, 'underlying the arrangements made was direct negotiations between the representatives of the British Government and the mills *to secure favourable rates*, not only for their own military requirements.

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but also those of the allied armies.' So the object of this contract professedly was to secure favourable rates not only to the United Kingdom but also to all the allied countries, and let us hope that they have all benefited by the contract. That the arrangement secured favourable rates also to the other party to the contract is also admitted, because the mill owners are getting double the price by virtue of this contract. The contract must therefore be a very *merciful* contract, for it has blessed those who give the bags and cloth and those who take them. But has the contract been unkind to anybody? The expression 'favourable rate' carries with it a necessary implication that there is some other party to which the rate was not favourable and was not intended to be favourable. Now who is that third party as against whom the parties to the contract were much on the alert and as against whom they wanted to secure a favourable rate? Is he the poor grower? Can he possibly be the grower whose destiny the providence has placed in the hands of the British Government and whose interest it is the duty of the Government to protect? Who else can be that party? Is he not the only other party concerned? At all events we know that ever since that memorable contract the price of raw jute is falling simultaneously with the rise in the price of the bag and cloth.

Now let us critically examine for one monent the precise situation of the growers. The abovementioned contract has resulted in a combination of all the allied countries including the British Empire. Then there is a further combination of all the local mills. They have got the mill owners' association and act always in concert to keep down the price of raw jutes; one of the devices adopted is that by an arrangement between themselves not more than one or two mills go to the market at the same time. There is thus no competition foreign or local. The usual competition between the balers and the mill owners is also non-existent, for the balers have no foreign customers and must surrender to the local mill owners. The competition between European and Indian dealers is also made impossible owing to the preferential treatment the European dealers systematically receive from the mills. Great as the evils of these combinations were before the war, they have been multiplied by the stoppage of export and the monopoly which the mills practically enjoy under the contract with the Government. There is thus a world wide conspiracy against the poor growers. It is, conspiracy of millionaires against the most destitute of people. It is a most unequal fight. It is a fight between the strong and weak. It is a fight between the most educated people on one side and most ignorant cultivators on the other. It is a fight between shrewd business people on one side and simple village-folks on the other. It is a fight between people ever vigilant and people who do not know their own position and strength. It is a fight between capitalists who can wait indefinitely and people who have no staying power and find themselves compelled to surrender to any price in order to avoid starvation. It is a fight between people who have got their guilds and associations and people who have not only not got any such associations but who have not even got the capacity to form guilds and associations. It is a fight between two sets of people, one set exploiting upon the ignorance of the other set. It is a fight in which the Government is not an idle and indifferent spectator but is admittedly an active participator. The mill owners are purchasers and the growers are sellers. So there is a conflict of interest between these two parties and in this economic fight, the Government have lent their powerful support to the stronger party. The Government have always placed their boundless resources at the disposal of the stronger party. What is a preliminary jute fore-cast but a census taken of the area which is likely to be under jute cultivation in the next season only to help the mill owners with such accurate information as will enable them to fight the growers to their best advantage? Was not the system of final fore-cast of jute crops

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introduced for the benefit and at the instance of the mill owners of Bengal and Dundee? These statistics are collected by the Government machinery maintained at the cost of the people only to be used by the mill owners both here and abroad against the grower of jute in regulating their offer of price and the volume of purchase they should make at any particular time.

My Lord, the Texitile Committee in England has only the other day recommended that advantage should be taken of India's monopoly of production of jute to safeguard for Britain and her Allies supplies of jute and advised imposition of export duty on shipment of raw jute from India to all destinations with total rebate of duty in favour of the British Empire, total and graduated rebates in favour of the Allies, and graduated rebates in favour of neutral countries offering reciprocal concessions. The interest of the growers is of course an irrelevant talk and was never taken into consideration in formulating these recommendations.

These are some of the grievances of the growers of jute which I feel it my duty to place before Your Excellency. The specific recommendation which I venture to make for Your Excellency's acceptance is the fixing of price of raw jute and the appointment of a jute controller for the purpose under the provisions of the Defence of India Act. This may be opposed by interested parties on the plausible ground of interference with free trade. But I am pleading for the appointment of a Controller not as a permanent office, but only as a war-measure to deal with a certain situation brought into existence by the war. There is certainly no less necessity for regulating the price of jute than there is for regulating the price of coal, cotton and numerous other commodities. I shall venture, my Lord, to put my case on a higher ground. The low price of jute being to a certain extent the immediate and inevitable effect of the intervention of the Government, it is only fair to the growers that the Government should adopt measures to safe-guard their interest. Is it fair that the poor cultivators of Bengal should be sacrificed to secure favourable rates to the rich people of distant countries in Europe? The Government is not a private customer of the mill owners. It has a duty to the growers more imperative and more sacred than they have to the inhabitants of France and Russia, who are certainly able to protect their own interests and do not stand in need of the chivalrous assistance of the British Government. That duty requires that a reasonable price should be ensured to the jute growers. When settling the price of jute manufactures as between the Government and mills, the former should, as a part and parcel of the same contract, insist upon the fixation of the price as between the mills and growers through the dealers and bailers.

In the long run, the low price of raw jute cannot be of any advantage to the mill owners either here or elsewhere. It is an established fact that the area of jute cultivation varies almost from year to year with the price, not of jute manufactures, but of raw jute. The Administration Report of 1915-16 says that marked feature of that year was a general decrease in area which was attributable to the fall in jute prices after the outbreak of the war. When the price falls the area decreases as a matter of course. Although Bengal is the only jute producing country in the world, the reverse is not true and Bengal is not jute producing only. The jute fields are paddy fields to boot. When the price of jute falls, the cultivator at once replaces the jute by paddy. The jute field of this season becomes the paddy field of the next. So if the present low price continues, the jute cultivation will be given up and the cultivators will fall back upon the paddy. This is a prospect which the mill owners can not possibly contemplate with indifference. You may exploit upon the ignorance of the cultivators as long as they grow jute but you can not force them to grow it when eventually they give it up as unprofitable. The mills on the two sides of the Bhagirathi are there because the cultivators

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Mr. Cumming.

:ow jute. Their very existence and occupation depends upon the growth of ıte. First jute, then jute manufacturers. So an attitude of sympathy and olicitude for the growers is the best policy in the long run for all those who re interested in the jute trade. You may or may not care for the Bengal ultivators but your business instinct and your love of dividend should dictate othing but sympathy and consideration for them. There is after all a ommon platform upon which the growers and manufacturers must eventually :and if the outside world care at all for jute and the jute trade."

'he Hon'ble MR. CUMMING said :—

"Sir, the resolution of the Hon'ble Member seeks to mitigate the isparity between the price which the producer in the jute growing districts eceives from the lowest grade of middlemen for the raw jute and the price vhich the manufacturer in India has been receiving for the manufactured rticle. In pointing out this disparity, the Hon'ble mover has introduced a good deal of prejudice into the discussion, although in the beginning of his speech he indicated that he did not wish that the mills should give up part of their profits to the cultivators; but in effect that was after all the solution for which he asked. He has evidently given considerable thought to the subject, and his speech indicates his view that there must be something radically wrong in the matter of the jute trade. The disparity is well known, and all I can say is that the economics of the jute trade are, by no means so simple as some of the critics would suggest. The inequality between the profits is not due to any special defects on the part of the cultivator nor due to any unusual degree of skill, industry or enterprise on the part of the manufacturer. I propose to explain to the Council that the inequality is due to causes over which neither the cultivators nor the manufacturers have control. In doing so, however, it is hardly necessary for me to emphasize the fact that it requires no exhortation on the part of the Hon'ble Member to request Government to safeguard the interests of the cultivating classes. Government did intervene with state help in 1914; and as pointed out by me in this Council in connection with a similar resolution on the 19th December 1917, Government have anxiously scanned the horizon for danger signals. Government have the interests of the cultivating classes and of the jute cultivators as much at heart as those of any other classes of His Majesty's subjects, but there are limits to effective intervention by Government and I shall explain that the remedies that the Hon'ble Member suggests, although attractive, will be ineffective to attain the remedy which he desires.

Let us consider, in the first place, the conditions which led to the low price of jute in the jute year, 1917-18. I must ask the indulgence of the Council while I place some statistical results before the Hon'ble Members. Now the price, which the cultivating raiyat receives, is a function of three variables, the outturn, the quality and the demand. From 1910 to 1914, there was a steady increase in the outturn which was synchronous with an increase in the acreage; during the same period, there was a corresponding increase in the price paid for the raw jute by the manufacturer. The apex of that curve was reached in the beginning of 1914, when the cultivator reaped the benefit of these conditions by getting the high average of Rs. 10 to 11 per maund for the 1913 crop. Then came 1914, when the difficulty of export, owing to reduced tonnage caused by the military requirements of the Empire on the outbreak of war, reduced the average price to Rs. 4 to 5 per maund at the raiyat's door. The raiyat, thereupon, used his natural weapon to re-adjust the conditions, and reduced his acreage from three and one-third million acres in 1914 to two and one-third million acres in 1915. In that year 1915, there was a revival in the export of raw jute and a considerable

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increase in the export of manufactured jute; so the reduced crop with the increased demand brought up the average price at the raiyat's door to about Rs. 7 per maund.

It is from 1915 that one must seek to understand the reason for the abnormal conditions which have since obtained. Since 1915 the export of manufactured jute has remained fairly high and constant. On the other hand, from 1916 till the present, the export of raw jute has fallen in the most remarkable fashion. During the last year, 1917-18, the export of raw jute was less than a half of what it had been in the pre-war period; and indeed it was the lowest export on record for the last 40 years. In the year before the war, the proportion of the crop exported in the raw state was more than half; the proportion has gradually fallen till last year when it was less than one-fifth. The cultivators, however, proceeded to sow more jute in the two years 1916 and 1917, after they had recovered from the shock of 1914. The corresponding increase in the outturn of 1916 gave them a high average price at their own door, namely Rs. 8 to 9 per maund. Hence, for 1917, we have the conditions which would normally tempt the cultivators to continue to increase their acreage, which actually did happen; and with the increased acreage the outturn of 1917 increased to the vicinity of 90 lakhs of bales.

Let us then consider the conditions in 1917. A high demand for the manufactured article together with a good local price had increased the acreage with the proportionate increase of outturn; and yet the average price at the door of the raiyat fell to Rs. 5 per maund. The explanation is, however, simple. Owing to the fall in the export of raw jute, the only effective competition for the raiyat's produce was from the local manufacturers. The mills not only bought their normal requirements, but they bought largely in excess of their immediate requirements to the utmost capacity of storing accommodation of which they could get hold. They not only filled their own godowns, but they filled hired godowns with purchased jute. Two facts, in this connection, must not be over-looked: First, that the enormous decrease in the exportation of raw jute left the market flooded with jute for local purchase, and that naturally depressed the price. Furthermore, had not the mills purchased very much more than their immediate requirements, the price would have been still further depressed to the disadvantage of the raiyats. The imports from all sources into Calcutta up to date of the 1917 crop have been in excess of the imports of the 1916 crop for a corresponding period. It is also the fact that the jute manufacturers realised that there was a danger point beyond which the prices must not be depressed, as that would mean further restriction in area; and it was to their interest to continue free-buying to the utmost of their capacity. But, nevertheless, these purchases of raw jute, large though they were, could not compensate for the failure in the export trade of raw jute which I have already indicated, and did not cover the whole crop. Indeed, the local exports of both the manufactured and the unmanufactured article in 1917-18 equalled in bulk only two-thirds of the crop harvested in the rains of 1917; whereas in the previous year the equivalent in bulk of about nine-tenth of the whole crop was sent abroad in a manufactured or unmanufactured shape, and in the year before that, in 1915-16, practically the equivalent of the whole crop was exported in some form or other. It is obvious that the supply of raw jute in the country was far in excess of the demand in the last year, 1917-18.

The next main question is: if there is such a superfluity of cheap raw jute, why is the price of the manufactured article so high? The answer is that there are many factors besides the price of the raw material which determine the price of the manufactured article. In this connection, I should like to correct a misapprehension, to which expression has been given in the press. It is alleged that the high profits, the result of such high prices,

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have been made out of Government. It is not my intention either to attack or defend the mills regarding their net profits, which, as the Director of Statistics has recently pointed out, have increased from the index of 100 in 1914 to the index of 570 in 1917. But it is not a fact that these great profits have been made unpatriotically out of Government. I shall revert to this later.

A reply was given in March last in the Imperial Council to a question of the Hon'ble Mr. Surendra Nath Banerji, in which he asked whether the attention of Government had been drawn to the steady rise in the price of hessians. Now, the highest market price of standard hessians has varied, as is well known in the jute world of Calcutta, between Rs. 11 and Rs. 22 per unit between 1911 and 1915. There was a slight rise in the maximum in 1916 to Rs. 25 and a further rise in 1917 to Rs. 30; while in the current year a rate of Rs. 60 has almost been touched. Several causes have contributed to this result.

First of all, the large Government orders restrict the open market. Such orders have been absorbing at least a quarter of the mills' total output; and, indeed, during the early portion of the current year, nearly half of the production of the mills was booked for Government requirements. Hence the balance is insufficient to meet the ordinary trade demand.

In the second place, the orders from Government arrive with little previous notice, and thus complicate the arrangements for meeting the ordinary trade demand, inducing thereby acute competition.

In the third place, there is the scarcity of freight to carry the manufactured goods away from the country. These causes, together with the difficulties of exchange, have made the market-rate jump up and down like a barometer in a cyclone.

To put the two cases succinctly, the low price to the raiyats is due to the fact that the supply of raw jute is greater than the demand, and the high prices of the manufactured article from which the profits of the mills accrue are the result of the fact that the public demand for the manufactured articles, apart from Government orders, is much in excess of the supply. The one cause operates to depress the price against the cultivator, and the other cause to enhance the price against the overseas purchaser. On the one hand, we have an elastic commodity which responds in output to changes in the harvest price; on the other hand, we have a rigid manufacturing agency which has little resiliency owing to the restriction on the flotation of new companies and on the import of machinery. The looms in 1918 were only one-fifth more in 1918 than in 1913: such an increase, however, was insufficient to handle the increased load put on the local mills. Recently in Dundee the open market was paying more for bad damaged jute than the British Government was paying for good sound jute.

The Hon'ble mover has left his remedy to the extreme end of his speech and it was with some difficulty that I could elucidate what that remedy was. If Government were to take over the whole jute crop in the same way, as the wool clip of Australia and the wheat crop of the Argentine Republic have been purchased by the Imperial Government, it would be necessary to fix the prices to be paid by the mills to the middlemen who supply the raw material; but that would not benefit the raiyat unless it were also to be decided what each agent, through whose hands the jute passes, should receive as a minimum price. Anyone who has the most elementary knowledge of the jute trade, of the number of middlemen, through whose hands the jute presses, the *paikar*, the *bepari*, the *aratdar*, the baler's agent and the baler, also of the different grades and qualities of jute, will realise the difficulty if not the impossibility of enforcing any provision of minimum prices. It is impossible to enforce co-operation between cultivator and mill owner by a stroke of the pen. But

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apart from that, if the supply be in excess of the demand, it would practically be impossible to enforce such orders, because the buyer would easily evade the order as the cultivator would assist him in doing so. In any ordinary times, when there is a perfectly free market, the cultivator receives 75 to80 per cent. of the Calcutta prices. Suppose, however, that the market has the proposed restriction in the selling price. It seems a simple enough thing to say that the *bepari* is not to pay less than Rs. 7 a maund to the cultivator. But suppose a *bepari* wishes to buy 100 maunds, and finds would-be sellers in a village holding 500 maunds. What will then happen? How is the minimum price to be enforced? Then again, the Hon'ble Member wishes to interfere in the interests of one class; but if the raw product were subject to such a control in price, in the interests of the producer, would not a request for a maximum for coal and lubricating oil be equally logical in the case of the manufacturer? Furthermore, as the mills are well supplied with raw material, they could afford to suspend for a time purchases altogether and thus defeat the object of the minimum prices.

The essential point for consideration in connection with this proposal is that the cultivator has the remedy in his own hands, a remedy which he has exercised in the year 1915, after the slump of 1914, that is to say, he reduced his acreage. I am not able to anticipate in this Council the total of the district figures which are at present being published, district by district, of the preliminary jute forecast for the present year; but they will show whether the depressed prices of last year have or have not caused the raiyats to restrict their cultivation. As I have explained above, it is not in the interests of the manufacturer that the acreage should be too much restricted. But what is still more important is that the raiyat is not himself insensible to the fact that the termination of the hostilities in this terrible war will create an effective demand for his produce in the advantages of which he would like to participate. If that reduction is found to be general, the raiyat is putting into action his compensation lever; but if the average raiyat does not materially reduce the total area of his crop in the present year, it will mean that he is still prepared to gamble on the chance of getting the advantage which he hopes will accrue in accumulating a sufficiently large stock to meet the time when the world demand for jute is re-opened for trade purposes.

I trust I have been able to explain to the Council why this disparity to which the Hon'ble Member has drawn attention, does exist.

The Hon'ble Member is on good ground in suggesting that there should be a remedy; but, if his remedy be that the State should have taken its share of those abnormal manufacturers' profits, this would not have made the cultivator more prosperous, though it might have afforded him less ground for jealousy. While the Government sympathise with him in thinking that the position is hard on the raiyat, neither he nor I can fight against economic laws. The jute cultivator, like other people, must take the rough with the smooth. In the past, in the year 1913, he was getting for some jute Rs. 15 a maund; this gave him an extravagant profit, of which, I regret to say, he took very little advantage. It is true he spent a good deal on food, clothes and on his house; but he did not make proper use of this prosperity in clearing off his debts or in saving it against the proverbial rainy day. No one suggested at that time that there should be a maximum price. Just as the high prices with high cash profits of 1913 were not an unmixed blessing to the raiyats either morally or economically, so it may well be that the low prices may not prove altogether an unmixed evil.

The real hardship is that this depression in jute prices is co-existent with the high prices of clothes which the raiyat wishes to buy and the cheap price of the rice which he wishes to sell. It a pradox that in a year in which

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there was one of the finest rice crops on record the cultivator should find it to be to his disadvantage. While the cheap price of rice benefits large masses of poor people, yet the dear price of clothes affects every body.

I do not advise the Council to accept the remedies proposed by the Hon'ble Member.

A division was then taken with the following result.

Ayes—6.

The Hon'ble Sir Nilratan Sarkar, KT.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.

Noes—24.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " The Maharajadhiraja Bahadur of Burdwan.
" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Mr. J. C. Stevenson-Moore, C.V.O.
" " Surgeon-General W. H. B. Robinson, C.B. I.M.S.
" " Mr. L. S. S. O'Malley.
" " Mr. F. A. A. Cowley.
" " Mr. H. P. Duval.
" " Mr. C. H. Bompas, C.S.I.
" " Mr. W. C. Wordsworth.
" " Rai Priya Nath Mukharji, Bahadur, I.S.O.
" " Sir Rajendra Nath Mukerjee, K C.I.E.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Aminur Rahaman.
" " Mr. Provash Chandra Mitter.
" " Babu Siv Narayan Mukherji.
" " Sir Deba Prasad Sarbadhidari Kt., C.I.E.
" " Rai Debendra Chandra Ghose Bahadur.
" " Mr. F. W. Carter C.I.E.. O.B.E.
" " Mr. W. E. Crum, O.B.E.
" " Mr. E. B Eden.
" " Mr. E. A. Martin.
" " Mr. H. R. A. Irwin, C.I.E.

The following member abstained from voting.—

The Hon'ble Mr. J. Mackenzie, O.B.E.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
" " Mr. J. Donald, C.I.E.
" " Mr. C. F. Payne.
" " The Nawab Bahadur of Murshidabad.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. J. W. Hely Hutchinson.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Rai Radha Charan Pal Bahadur.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Babu Bhabendra Chandra Ray.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Surendra Nath Ray.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.
" " Babu Kishori Mohan Chaudhuri.
" " " Ambika Charan Mazumdar.

The Ayes being 6 and the Noes 24, the motion was accordingly lost.

The President's Address.

The President's Address.

The President said :—

At the commencement of our proceedings yesterday I found it necessary to address the Council on a matter of disagreeable nature. It now falls to our lot in bringing our proceedings to a close to make an announcement of a pleasanter character.

It will be within the memory of Hon'ble Members that at a meeting of this Council held on December 13th 1916, a resolution was moved by the Hon'ble Babu Akhil Chandra Datta, recomending that the system of trial by jury should be extended throughout the presidency. The Government of the day expressed their inability to accept the resolution as it stood, though they stated that they were prepared to consult the High Court and other authorities on the subject. At the conclusion of the debate the Council divided on the question and the resolution was carried by 24 votes to 22. At the same time, a supplementary resolution, recommending the extension of the system of trial by jury to all offences triable by the Courts of Session, was withdrawn.

Government thereupon took the matter up, and instituted careful enquiries as to the working of the system in the twelve districts in which it was in force. I need not trouble the Council with any very detailed history of the somewhat chequered career which the system has had since its first tentative introduction under Resolution VI of 1832. It will suffice, if I briefly recall the more important landmarks.

By virtue of the Resolution of 1832 any person not professing the Muhammadan faith when put on trial for an offence cognizable under the general Regulations, might claim to be exempted from trial under the Muhammadan Criminal Code and in such case the Judge was ordered to proceed with the trial with the help of a Panchayat, assessors or jury. This form of trial, however was seldom put into practice and it was not until the year 1861 that a regular system of trial by jury was established. Under the provisions of Act XXV of that year sanction was accorded to the system and it was put into operation in seven districts in respect of certain categories of offences in the year 1862. Thereafter the orders governing the operation of the system underwent various changes, one of which namely, the Notification of October the 20th, 1892, containing certain restrictions on its working, led up to the appointment of a Commission consisting of Sir H. Prinsep, Sir Griffith Evans, Sir Jatindra Mohan Tagore, Sir Romesh Chandra Mitra and Mr. C. A. Wilkins. From that time onwards the tendency has been to add to the categories of cases triable by jury and to increase the number of districts in which it is in force. In 1895, for example, offences relating to marriage were made triable by jury where the system was in operation, and in 1897 the system was extended to the districts of Chittagong, Mymensingh, Rajshahi and Jessore. The last extension given was to the district of Khulna in 1905.

After careful consideration and with the concurrence of the High Court and the sanction of the Government of India we have now decided to extend the system to the districts of Buckerganj, Bankura, Birbhum, Bogra, Dinajpur. Faridpur, Malda, Midnapur, Noakhali, Pabna, Rangpur and Tippera. The effect of this will be that the system will come into operation throughout the whole of the Presidency with the exception only of the non-regulation districts, namely Darjeeling, Jalpaiguri and the Chattagong Hill Tracts. At the same time it is proposed that offences under Chapter XII of the Indian Penal Code and under section 32 of the Indian Post Office, 1898, should be added to the list of offences so triable.

The President's Address.

If the Hon'ble Members of this Council were men who considered it necessary to cut off their kindlier nature and with their entry into the Council Chamber to adopt a spirit of factiousness and petulance, they might be disposed to receive this announcement with the observation that the mills of Government grind somewhat slowly. I am happy to believe that if I were to suggest that the members of this Council acted in this way I should be doing them a grave injustice. And I assumed with complete confidence, therefore, that Hon'ble Members will regard this announcement as a signal proof that Government do give to the recommendations made to them by this Council their most careful and sympathetic consideration."

Adjournment:

The Council was then adjourned *sine die*.

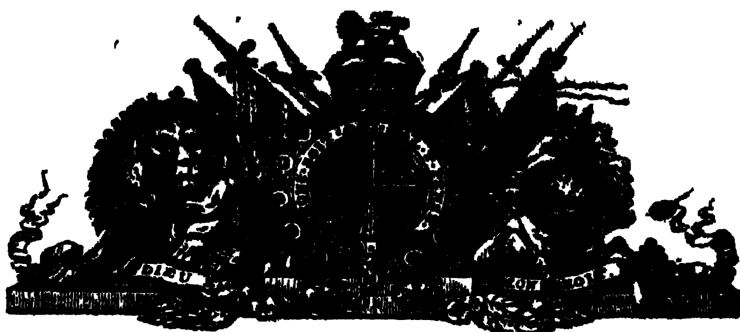
A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA,

The 23rd July, 1918.



The Calcutta Gazette

WEDNESDAY, SEPTEMBER 18, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act. 1915.

THE Council met in the new Durbar Hall at Government House. Dacca, on Monday, the 19th August, 1918, at 11 A.M. (Local time).

Present:

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, Presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHATAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MAJOR-GENL. W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. J. DONALD.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. C. H. BOMPAS, C.S.I.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble RAI PRIYA NATH MUKHERJI BAHADUR, I.S.O.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. J. W. HELY HUTCHINSON.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURY.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble MR. E. A. MARTIN.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

LIST OF BUSINESS—ITEM No. 1.

OATH OF ALLEGIANCE.

1. The Hon'ble Mr. J. W. HELY HUTCHINSON made an oath of his allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTIONS.

The following questions which had been starred were put and answered :—

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 1.

notions to Provincial cational vice.

(*a*) Will the Government be pleased to state how many lecturers or demonstrators have been promoted to the Provincial Educational Service, permanently or temporarily, for at least over a year, since 1913?

(*b*) In how many of these cases have senior officers been superseded by their juniors?

(*c*) Will the Government be also pleased to state how many cases of supersession of this kind occurred during the five years immediately preceding the introduction of the college governing body system?

(*d*) Will the Government be further pleased to state how many cases of supersession, if any, have taken place in the executive and judicial services in Bengal since 1913?

(*e*) Is there any truth in the statement that cases of supersession are much more numerous in the Education Department than in the executive or judicial service?

(*f*) If so, will the Government be pleased to state the reason why such should be the case?

(*g*) Is there any truth in the statement that in at least three of the four cases of supersession referred to in the answers to my starred questions Nos. 3-5 of the 3rd July, 1918, the junior members in question were given promotion over the heads of their seniors on the recommendation of the governing bodies of their respective colleges?

Questions and

(*h*) Is it also a fact that the officers so superseded have long been engaged in teaching, with credit, either up to pass B.A. or B.Sc. classes, or both pass and honours?

(*i*) If so, why were such officers superseded?

(*j*) Are the Government aware of a public feeling that exists that the promotions and supersessions of recent years in the Education Department have greatly added to the discontent already existing among lecturers and demonstrators in the service and have created a general sense of insecurity among them?

(*k*) Are the Government considering the desirability of taking away from the college governing bodies the powers of appointment and promotion and of revesting these powers in the Director of Public Instruction?

(*l*) If not, will the Government be pleased to state why they are not prepared to do so?

Answer by the Hon'ble MR O'MALLEY —

" (*a*) Fourteen

(*b*) Six.

(*c*) The information is not available, and its compilation would necessitate special enquiries involving an undue amount of labour

(*d*) Since 1913 eighteen Sub-Deputy Collectors have been promoted to the Provincial Executive Service all these promotions have involved the supersession of senior officers, but under the standing rules such promotion is regulated by selection and not by seniority There is no subordinate judicial service.

(*e*) The Hon'ble Member is referred to the figures given in the replies to clauses (*a*) (*b*) and (*d*).

(*f*) This question does not arise.

(*g*) No Promotion was given on the recommendation of the governing body only in the case referred to in the reply to starred question 5 asked by the Hon'ble Member at the meeting of Council held on 3rd July, 1918.

(*h*) This is a fact in the case just mentioned.

(*i*) The Hon'ble Member is referred to the reply to clause (*b*) of starred question No. 5 asked at the meeting of Council held on 3rd July, 1918.

(*j*) No.

(*k*) No.

(*l*) (*i*) The lecturers in the Subordinate Educational Service are a class of officers distinct from professors in the Provincial Educational Service and there is no necessary flow of promotion from the former to the latter.

(*ii*) It is desirable to promote to the Provincial Educational Service the most competent officer and not necessarily the senior lecturer.

(*iii*) Governing bodies are competent to make appointments suitable to the needs of their Colleges.

(*iv*) Supersessions are rare among officers already belonging to the Provincial Educational Service "

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 2.

(*a*) Is it a fact that the upper feeders of the Hooghly river, roughly from the Ganges to the Howrah Bridge at Calcutta, are deteriorating and have been getting worse year by year for a long time? Deterioration of upper feeders of the river Hooghly.

(*b*) If so, will the Government be pleased to state—

(*i*) the causes for such deterioration, and

(*ii*) what action they are taking in this connection?

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

" (a) Yes, though the degree of deterioration within the last half century or more is a matter of considerable divergence of opinion.

(b) (i) The Hon'ble Member is referred to Major Hirst's Report on the Nadia Rivers, 1915, in two volumes, which is for sale at the Bengal Secretariat Book Depôt.

(ii) The Hon'ble Member is referred to the Government of Bengal Resolution No. 373 T.—I. of the 9th October, 1916, which was published in the *Calcutta Gazette*. A copy of the Resolution has been placed on the table in the Library. The Report of the Committee appointed under the terms of that Resolution has not yet been received."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 3.

(a) Is it a fact that several distinguished visitors were expelled from the Senate meeting of the Calcutta University in June last?

(b) If so, will the Government be pleased to state whether such expulsion by the University authorities was justified?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) and (b) The University of Calcutta is not under the control of this Government, which has no information in the matter."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 4.

Will the Government be pleased to state what arrangements have been made for communicating flood-warnings to the affected area on the right side of the Damodar immediately on receipt of warnings from Ranigunge?

Answer by the Hon'ble MR. COWLEY :—

" The additional arrangements made this year for the issue of flood warnings on the right bank of the Damodar are as follows :—

Seven additional peons have been entertained for issuing the warnings. Warnings will be telegraphed by the gauge reader at Ranigunge direct to Jamalpur, where a telegraph office has recently been opened, and from this centre the information will be distributed from Lakra downwards along the right bank.

Above Lakra the warnings will be issued by Canal dâk and special peons from Edilpur.

The gauge reader at Ranigunge will also telegraph warnings to the officer in charge of the Raina thana at the terminus of the Bankura-Damodar Railway and also to the Civil Subdivisional Officer, Arambagh. A temporary Public Works Department Section has also been established at Baikantapur on the right bank."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 5.

Will the Government be pleased to state what orders have been passed by the Chief Engineer in the Irrigation Department on each paragraph of the inspection note of Mr. Addams-Williams of April or May in connection with the Damodar floods?

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

"Government do not appreciate that any useful purpose will be served by the publication of the orders in question."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 6.

Contamination of the Ganges water.

(*a*) Will the Government be pleased to lay on the table copies of letters issued by the Sanitary Commissioner, Bengal, to the Chairman of riparian municipalities on the subject of the dangerously contaminated condition of samples of unfiltered water taken from the Ganges (Bhagirathi) and which were examined chemically and bacteriologically in his laboratory during the week ending the 25th May. 1918?

(*b*) Are the Government considering the desirability of taking immediate steps for the prevention of a large amount of pollution of the river water probably derived from human excreta?

(*c*) Will the Government be pleased to state what action they are taking for the supply of filtered water to those riparian municipalities where the main source of water-supply is the Ganges water which is now in a dangerously contaminated condition?

(*d*) Will the Government be pleased to state—

(*i*) whether the fæcal bacilli now present in the Ganges water are completely removed by filtration without boiling the water, and

(*ii*) what is the process of filtration of the Ganges water by the Corporation of Calcutta?

Answer by the Hon'ble MR. O'MALLEY :—

(*a*) A copy of the Sanitary Commissioner's letter No. 679-701, dated the 5th June, 1918, to the Chairmen of Municipalities along the Hooghly is laid on the table. As there appears to be some misapprehension on the subject, it may be explained that fæcal bacilli (sometimes also called excretal organisms), some of which are derived from animals and some from human beings, are present in practically all surface waters, *e.g.*, rivers and tanks, in inhabited areas in India. Government are advised that the organisms themselves are probably innocuous and that 90 per cent. die within 48 hours in a stream exposed to the sun, but that if there is a very large number of them or the pollution is very recent, it is probable that pathogenic organisms, such as those which cause cholera or typhoid fever, will be present among them. In other words, it is not the fæcal bacilli themselves that are the cause of disease, but other organisms which may be present with them though in infinitely smaller numbers. The fæcal bacilli serve to indicate possible danger and are therefore an index of pollution.

(*b*) The riparian municipalities have been urged in the Sanitary Commissioner's letter No. D-862-84, dated 15th June, 1918, of which a copy is laid on the table, to prevent nuisances being committed on the river bank. Government will consider what other measures can be taken to prevent pollution.

(*c*) A scheme for the supply of filtered water to the municipalities shown in the margin has been prepared and the municipalities and mills concerned have been asked whether they are willing to join in it. The Sanitary Board are considering their replies. The scheme involves an initial cost of 36 lakhs and a recurring cost of Rs. 68,000, which will ultimately rise to Rs. 78,000 a year; and it will not be possible for Government to give it financial assistance till normal financial conditions are restored.

Cossipur-Chitpore.
South Dum Dum.
North "
Barnagore.
Kamarhati.
Panihati.
Barrackpore.
North Barrackpore.
South "
Titagarh.
Garulia.
Bhatpara.
Naihati.
Halishahar.

Questions and Answers.

(*d*) (*i*) Government are advised that efficient filtration will remove 99· per cent. of fæcal bacilli, and that boiling destroys them.

(*ii*) The Calcutta water is purified by settlement in large settling tanks exposed to the sun and air; and settling is aided by the use of alum or allumino-ferric which assists in the precipitation of suspended matter, including bacteria. After settlement the water is passed through slow sand filter beds, which remove a very large proportion of the remaining bacteria. The water is constantly being analysed both chemically and bacteriologically and a high standard of purity is always insisted on.

Letters referred to by the Hon'ble MR. O'MALLEY *in his answer to question No. 6 (starred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council meeting of the 19th August, 1918.*

No. 679-701, dated the 5th June 1918.

From—DR. C. A. BENTLEY, M.B., D.P H., D.T.M. & H., Sanitary Commissioner for Bengal,

To—The Chairmen of all Riparian Municipalities.

I HAVE the honour to report for your information that samples of unfiltered water taken from the Ganges (Bhagirathi) were examined chemically and bacteriologically in my laboratory during the week ending the 25th May, 1918, and as a result it was found that the water contained countless bacteria in ·1c.c. and showed non-resistant type fæcal bacilli in ·01c.c. indicating that it contained such a large amount of pollution, probably derived from human excreta, as to render it dangerous to use it for drinking purposes unless it has first been filtered or boiled. Neglect of these precautions will expose persons to the risk of contracting cholera, typhoid fever, dysentery, diarrhœa and other water-borne diseases. It is also unsafe to use the unboiled or unfiltered water for cleansing dishes and plates or other vessels used for food.

In the case of municipalities possessing a proper filtered water-supply distributed by means of pipes, people should be urged to use this water for drinking purposes and cleansing dishes, etc., in preference to water from any other source.

In every case the attention of the whole population should be called, if necessary, by beat of drum, to the dangerously contaminated condition of the river water as shown by this report.

No. D-862-84, dated Darjeeling, the 15th June, 1918.

From—DR. C. A. BENTLEY, M.B., D.P.H., D.T.M. & H., Sanitary Commissioner for Bengal,

To—The Chairmen of all Riparian Municipalities.

MY attention has been drawn to the fact that the river banks in the neighbourhood of your municipality are frequented by persons for the purpose of committing nuisances. In certain cases also brickfields are situated on the river banks and the coolies employed thereon invariably foul the banks of the river with nightsoil. In this way the water of the river is constantly being polluted and in consequence of this there is great risk of the spread of cholera and other water-borne diseases. I have the honour accordingly to request that you will be so good as to take immediate steps to have the banks of the river within your municipal boundary carefully inspected, and, if necessary, guarded and to take immediate proceedings against anyone found committing a nuisance there and thus endangering the health of the community.

Questions and Answers.

UNSTARRED QUESTIONS.

(*The answers to which were laid on the table.*)

By the Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR :—

I.

Prosecutions for the manufacture of salt.

(*a*) Will the Government be pleased to state whether it is true that some poor paddy cultivators of the district of Jessore, who had manufactured a few seers of common salt from ashes of paddy stalks for personal consumption, were prosecuted for illicit manufacture of salt and sentenced to pay a fine of Rs. 2 each by the trying Deputy Magistrate, Babu Mohit Chandra Ghosh?

(*b*) Is it true that the views of the Government of Bengal for ignoring such cases of manufacture, as expressed in this Council at the meeting held on the 22nd January last through the Hon'ble Mr. Donald, were brought to the notice of the said Magistrate at the trial?

(*c*) Are the Government aware of the feelings of the cultivators that it is far better that paddy stalks should be utilized in this way than that these stalks should be allowed to be wasted through fear of criminal prosecution?

(*d*) Are the Government considering the desirability of instructing the Salt Department and the Police not to start such prosecutions, and to issue public notifications enabling such people to make free use of their paddy stalks for the purposes which were found by the Magistrate to be illegal as also for the use of cattle?

Answer by the Hon'ble MR. DONALD :—

" (*a*) Six persons were sent up by the police for having manufactured illicitly 3, 5, 7, 7, 20, and 25 seers of salt respectively. In each of the first four cases fines of Rs. 2, and in the last two fines of Rs. 5, were imposed by Babu Mohit Chandra Ghosh, the trying Magistrate.

(*b*) The trying Magistrate held that the quantities of salt manufactured were greater than were required for the personal consumption of those concerned, but *prima facie* prosecutions might have been withheld at least in the first four cases mentioned.

(*c*) Government have no information on this point.

(*d*) The instructions already issued should suffice. A certain amount of discretion must be left to local officers, but so far as the statistics show, the orders are being interpreted liberally."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

II.

Location of the subdivisional headquarters of the proposed western district of Mymensingh at Dhanbari.

(*a*) With reference to the location of the subdivisional headquarters of the proposed western district of Mymensingh at Dhanbari, will the Government be pleased to lay on the table copies of opinions given on this question by the public associations and the officials consulted?

(*b*) Is it a fact that in selecting a site for the Sadar subdivision of western Mymensingh, His Excellency the Governor, while he visited Dhanbari, did not visit Madhupur, and that the claims of Madhupur as represented by the people of the locality have not been considered?

(*c*) Is it a fact that there is a good District Board road connecting Madhupur with Mymensingh and Sarisabari, Subarnakhali, Baushi and Tangail, whereas, in point of communication, Dhanbari is comparatively at a disadvantage?

(*d*) Is it a fact that Madhupur possesses the additional advantage of a navigable river which connects it with Narayanganj and Dacca, whereas Dhanbari has no river communication?

Questions and Answers.

(*e*) Is it a fact that Madhupur is situated on a high raised land with large areas around, whereas Dhanbari is largely a marshy, low land, the greater portion of it being under a vast sheet of water during the rains?

(*f*) Have the Government ascertained what will be the comparative cost of location of the proposed subdivisions at Dhanbari and Madhupur?

(*g*) Are the Government aware of the opinion that has been expressed that Madhupur is healthier than Dhanbari and that Madhupur is more centrally situated than Dhanbari?

(*h*) Will the Government be pleased to make a statement giving the names of village unions within the Kalihati police-station and their respective distances from Tangail and Dhanbari?

(*i*) Is it a fact that the jurisdiction of the Kalihati police-station which, as proposed, comes under Dhanbari, extends up to within three miles of the Tangail subdivision?

(*j*) Is it a fact that certain places in the southern portion of the Kalihati police-station which stand at a distance of about 30 miles from Dhanbari and only three miles from Tangail, are, by the proposed inclusion of the Kalihati police-station within Dhanbari, cut off from Tangail?

(*k*) Have the Government considered the inconveniences which will thus be caused to the people of the locality within the Kalihati police-station?

Answer by the Hon'ble MR. KERR :—

" (*a*) The Hon'ble Member is referred to the memorandum which was published on the 16th August, 1917. Government do not propose to lay further papers on the table.

(*b*) As shown in the memorandum, the question of selecting Madhupur as a district or subdivisional headquarters was fully considered, but the objection to Madhupur is that it is situated in the extreme east of the new subdivision and is not sufficiently central. For this reason, His Excellency the Governor did not think it necessary to visit Madhupur.

(*c*) Madhupur is connected by road with the places mentioned, but the road from Madhupur to Baushi passes through Dhanbari, and this is also the easiest route from Madhupur to Sarisabari. From Dhanbari there are roads running north to Baushi, west to Bingula and Pingna, south-west to Gopalpur and south-east to Madhupur and Tangail. When the projected Tangail-Jamalpur line is constructed through Dhanbari, communications with that place from all parts of the proposed subdivision will be much easier than with Madhupur.

(*d*) The river which passes Madhupur is navigable throughout the year for boats of a capacity of 500 maunds. Boats can go by this river to Narayanganj and Dacca. The river Jhinai passes within two miles of Dhanbari. It flows into the river Jamuna and is navigable in the rains.

(*e*) There is a site at Madhupur about 30 or 40 feet above sea level. There is ample high land above flood level at Dhanbari for a subdivisional headquarters, and it will need only local raising in places.

(*f*) The cost of establishing a subdivisional headquarters at Dhanbari is estimated at 6 lakhs, of which Rs. 7,000 is required for levelling and draining. No estimate has been framed for Madhupur, but it is probable that the cost would be approximately the same.

(*g*) Madhupur is reported to be unhealthy, owing to the proximity of the Madhupur jungle and a defective water-supply. Dhanbari is said to be malarious at present, but this defect is capable of remedy. Government are not aware of any opinion having been expressed that Madhupur is more centrally situated than Dhanbari, and in any case such an opinion would be incorrect.

(*h*) A statement is laid on the table.

(*i*) The nearest point in Kalihati to Tangail is about four miles from the town of Tangail.

Questions and Answers.

(*j*) and (*k*) It is a fact that Kalihati thana as a whole is nearer to Tangail than to Dhanbari, and to this extent the people of Kalihati will be inconvenienced by their inclusion in the Dhanbari subdivision. In nearly every subdivision, however, there are places which are nearer to the headquarters of an adjoining subdivision than to the headquarters of the subdivision within which they are situated. The same objection in regard to Kalihati would apply if Madhupur were made the headquarters of the new subdivision instead of Dhanbari.

Statement referred to in the answer by the Hon'ble MR. KERR *to unstarred question No. II, asked by the Hon'ble* BABU BROJENDRA KISHOR RAY CHAUDHURI *at the meeting of Council held on the 19th August, 1918.*

Thana Kalihati.

Serial No.	Names of village unions	Shortest approximate distance in miles. From Tangail.	From Dhanbari
1.	Patal	12	23
2.	Shalla	9	22
3.	Deopur	12	21
4.	Malati	11	21
5.	Nagarbari	11	20
6.	Nardahi	10	22
7.	Ellanga	7	24
8.	Pathanda	8	25
9.	Palima	10	20
10.	Chatipara	10	21
11.	Shahadebpur	8	24
12.	Chamuria	6	25
13.	Bhukta	6	25
14.	Golarah	7	25
15.	Hashara	8	24
16.	Silimpur	10	22
17.	Kalihati	12	20
18.	Kokedahara	11	21
19.	Balla	10	25
20.	Rampur	9	26
21.	Rattangunje	12	25
22.	Nagbari	10	23
23.	Bhandeswar	13	22
24.	Amjani	15	21
25.	Hamidpur	17	22
26.	Baheratali	13	24

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

III.

With reference to the answer to my unstarred question No. XXII of the 3rd July, 1917, will the Government be pleased to state whether the decision of the Railway Board as to the alignment of railway between Tangail and Jamalpur has been conveyed to the Government? If so, will the Government be pleased to make a statement regarding the same? Alignment of Railway between Tangail and Jamalpur.

Answer by the Hon'ble MR. COWLEY :—

" Since the reply was given on the same subject at the Council Meeting of the 3rd July, 1917, it has been decided by the Railway Board that in the event of the construction of a railway between Tangail and Jamalpur, the alignment which may be taken as final is an alignment passing through Nandanpur and joining the existing railway at Kendua Kalibari."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

IV.

With reference to the answer to my unstarred question No. XXIX of the 7th August, 1917, will the Government be pleased to state—

(a) whether any change has been brought about in the position with regard to the supply of medicines in charitable dispensaries and hospitals; and

(b) what are the indigenous drugs that are generally in use therein, and what articles of foreign manufacture have they substituted?

Answer by the Hon'ble MR. DONALD :—

"(a) The position is unchanged since the question referred to was answered.

(b) Government have nothing to add to the reply given on the 7th August, 1917."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

V.

With reference to the answer to my unstarred question No. XXXI of the 4th September, 1917, will the Government be pleased to state if any decision has been come to by the Government of India in regard to the proposed railway between Barisal and Khulna?

Answer by the Hon'ble MR. COWLEY :—

"The Government of India have decided to abandon the project for a railway between Khulna and Barisal."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

VI.

With reference to the answer to my unstarred question No. XXI of the 3rd July, 1917, will the Government be pleased to state the result of any expert inquiries that may have been made in regard to the existence of iron ore in some parts of the Dacca district and its economic value?

Answer by the Hon'ble MR. DONALD :—

"Expert inquiries showed that the so-called iron ore contained so little iron that it could not be looked on as "ore," and further that the deposits were of no commercial importance."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

VII.

(a) With reference to the answer to my unstarred question No. XVI of the 4th April, 1918, will the Government be pleased to state the dates on which—

(i) Mr. Meyer applied for permission to take up the management of the whole of the Shaistabad estate;

(ii) he took charge of the said estate;

Questions and Answers.

(*iii*) the Board of Revenue wrote to the Commissioner refusing to allow the application;

(*iv*) the Board re-affirmed the orders; and

(*v*) Mr. Meyer relinquished charge of the Shaistabad estate?

(*b*) When was the " misunderstanding " referred to in the said answer discovered, and what was the nature of it?

(*c*) If it is a fact that Mr. Meyer took charge of the whole of the Shaista bad *wakf* estate without previously obtaining the permission of the Board of Revenue, are the Government considering the desirability of making a deduction from the salary of Mr. Meyer proportionate to the total amount drawn by him as salary for the management of the said Shaistabad estate?

Answer by the Hon'ble MR. KERR :—

" (*a*) The dates are—

(*i*) The 19th September 1915;
(*ii*) The 14th September 1915;
(*iii*) The 16th February 1916;
(*iv*) The 8th March 1918; and
(*v*) The 28th March 1918.

(*b*) The misunderstanding was discovered in March 1918 and arose from the Commissioner and the Manager both being under the impression that the other would communicate the Board's orders.

(*c*) Mr. Meyer took charge with the sanction of the Collector and on the initiation of the District Judge and in anticipation of sanction from the Board of Revenue. As Mr. Meyer's management of the Bakarganj portion of the Nawab's Estate was uniformly successful, the Government does not propose to take any further action in the matter."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

VIII.

(*a*) Having regard to the indebtedness of the Nawab of Dacca's estate, are the Government considering the desirability of appointing an experienced Indian officer in place of the late Mr. J. Hodding? The Nawab of Dacca's estate.

(*b*) Are the Government considering the desirability of appointing an experienced Indian officer, as Barisal Agent of the Nawab of Dacca?

(*c*) Who is at present officiating for Mr. Meyer at Barisal and what are his qualifications for holding that position?

(*d*) In what estates, and in what capacities and on what emoluments was he employed previous to his appointment in the Nawab's estate?

(*e*) Will the Government be pleased to lay on the table a statement showing separately the expenditure incurred for the late Mr. J. Hodding and for Mr. Meyer on account of salary, house-rent, motor car charges, carriage charges, steam launch charges and for personal servants for the last five years ending on the 31st March, 1918?

Answer by the Hon'ble MR. KERR :—

" (*a*), (*b*), (*c*) and (*d*) The appointments referred to are made by the Court of Wards and do not require the sanction of Government. Government have ascertained that the management of the Nawab's estate is in process of reorganization and that a fully qualified Indian officer with special experience has been appointed as Superintendent of the Bakarganj property. Further, a new post of Assistant Manager for the whole estate has been created, and an Indian officer with experience as Court of Wards Manager has been appointed to it.

Questions and Answers.

(e) The Hon'ble Member is referred to the statement furnished in answer to question No. 16 (unstarred) at the Council meeting of the 22nd January, 1918. As owing to the death of Mr. Hodding Mr. Meyer has been transferred from Bakarganj to Dacca as Manager of the whole estate, no useful purpose will be served by requiring the Court of Wards to compile the additional information now asked for."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :-

IX.

The Nawab of Dacca's estates at Mymensingh, Tippera and Barisal.

(a) Will the Government be pleased to lay on the table a statement showing the amount remitted to the Nawab's estate at Dacca Sadar from Tippera, Mymensingh and Barisal in each of the last ten years?

(b) Will the Government be pleased to state whether it is a fact that litigation costs of the Nawab's estate have largely increased year by year in all the districts, viz., Dacca, Mymensingh, Tippera and Barisal since 1907? If so, what are the reasons therefor?

Answer by the Hon'ble MR. KERR :—

" (a) and (b) The Hon'ble Member is referred to the reply which was given to his question No. LXVI at the meeting of this Council held on the 3rd July, 1918."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

X.

Nawab of Dacca's estate and the Court of Wards.

Is the estate of the Nawab of Dacca governed by all the rules and regulations of the Court of Wards to which other estates under the Court of Wards are subject? If not, in what respects are exceptions made and why?

Answer by the Hon'ble MR. KERR :—

" The answer to the first part of the question is ' Yes.' The second part does not arise."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XI.

Auditing of the accounts of the Nawab of Dacca's estates.

Is it a fact that the accounts of the Dacca Nawab's estate are not audited by the Government auditors as in the case of other estates? If so, what are the reasons?

Answer by the Hon'ble MR. KERR :—

" The accounts of the Dacca Nawab's estate are audited by Messrs. Lovelock and Lewes and not by Government auditors, the reason being that several shares in the estate which are under the same management are not in charge of the Court of Wards."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XII.

Medical aid on inland steamers.

With reference to clause (d) of the answer to my unstarred question No. XXVI of the 7th August, 1917, regarding arrangements for medical aid on inland steam vessels, will the Government be pleased to state what steps have been taken to remove the public grievance in regard to this matter?

Questions and Answers.

Answer by the Hon'ble MR. COWLEY:—

"No public grievance of this nature has been brought to the notice of Government. As the Hon'ble Member was informed at the meeting of the Legislative Council held on the 7th August, 1917, the Steamer Companies have from time to time brought to the notice of Government, difficulties which have been experienced in connection with carrying out the rules framed under sections 51 and 51 A. of the Inland Steam Vessels Act, 1884 (VI of 1884).

These difficulties have been removed either by amendments in the rules themselves or by the issue of executive orders in connection therewith."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI:—

XIII.

Are the Government aware that Nalchiti is an important trade centre and steamer station in Barisal, and that the absence of any shed or waiting-room there has long been keenly felt by the travelling public? Waiting room at Nalchiti station.

Answer by the Hon'ble MR. COWLEY:—

"The absence of any waiting-room or shed at Nalchiti has not been brought to the notice of Government."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI:—

XIV

Is it a fact that the staff of the Legislative Department, including the menials, have during the Council sessions often to work overtime? If so, are they given any additional remuneration for such overtime service? The Legislative Department staff.

Answer by the Hon'ble MR. KERR:—

"It is the case that the preparation for the session of the Legislative Council not infrequently involves overtime work on the Legislative, and indeed on other Departments. Hon'ble Members can alleviate the pressure to some extent by giving as long a notice as possible of questions, etc. It is not customary to give allowances for overtime in the Secretariat."

By the Hon'ble BABU BHABENDRA CHANDRA RAY:—

XV.

With reference to the concluding lines of paragraph 238 of the Report on Indian Constitutional Reforms, published on the 8th July last, will the Government be pleased to state when it is proposed to give the Council an opportunity of discussing the questions indicated therein, and what the procedure of such discussion will be? Report on the Indian Constitutional Reforms.

Answer by the Hon'ble MR. KERR:—

"A resolution having reference to paragraph 238 of the Report on Indian Constitutional Reforms is included in the agenda paper of the present meeting."

By the Hon'ble BABU BHABENDRA CHANDRA RAY:—

XVI.

What recommendations have so far been made to Government by the Internment Advisory Committee in regard to the individual cases of internment and what action has been taken thereon in each such case? The Internment Advisory Committee.

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" No report has yet been received from the Advisory Committee; it is understood that their report will be submitted on the conclusion of their work."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XVII.

Cottage industries

(*a*) Will the Government be pleased to state the progress made by the Home Industries Association in regard to the development of the cottage industries in Bengal?

(*b*) What is the nature or amount of aid which Government have so far given to the Association, and for what specific objects, if any?

Answer by the Hon'ble MR. DONALD :—

" (*a*) Government have not yet received the latest report of the Association, but it is understood that its annual report, which will shortly be issued, gives a full account of the work of the Association up to the 31st March, 1918. If the Hon'ble Member will address the Honorary Secretary to the Association he will be supplied with a copy of the report when it is printed.

(*b*) Government have given two grants of Rs. 18,000 per annum to the general funds of the Association, and a special grant of Rs. 1,000 towards the cost of sending exhibits representative of Bengal home industries to the exhibition of Indian Arts and Industries at Madras in the cold weather of 1917-18."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

XVIII.

One-rupee currency notes.

Are the Government aware that the one-rupee currency note is not yet popular among the ignorant people in the interior?

Answer by the Hon'ble MR. DONALD :—

" The Hon'ble Member is referred to the answer given to unstarred question No. XXVI asked by the Hon'ble Mr. Irwin at the meeting of the Council held on the 3rd July last."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

XIX.

Vacancies in the Civil Service during the war.

(*a*) Will the Government be pleased to state the number of vacancies in the lower grades of the Indian Civil Service due to the war?

(*b*) Will the Government be pleased to state whether they propose to fill up these vacancies by promoting officers of the Provincial Civil Service?

Answer by the Hon'ble MR. KERR :—

" (*a*) Owing to the absence of officers on duties connected with the war, and, owing to the curtailment of recruitment caused by the war, the cadre of Joint and Assistant Magistrates is 57 officers short of its sanctioned strength of 98.

Questions and Answers.

(*b*) The cadre of Joint and Assistant Magistrates is intended as a training and leave reserve for the superior posts open to members of the Indian Civil Service. Members of the Provincial Civil Service, which has its own training and leave reserve, cannot be appointed Joint or Assistant Magistrates, but owing to the number of members of the Indian Civil Service absent on duties connected with the war, members of the Provincial Civil Service are holding a larger number of superior posts, ordinarily held by Indian Civilians, than would otherwise have been open to them. Ten superior posts in the Indian Civil Service are listed as open to members of the Provincial Civil Service. At present sixteen such posts are actually held by members of the Provincial Civil Service, and, in addition, a number of Deputy Collectors are holding charge of important subdivisions which would, in normal circumstances, be held by Civilians."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

XX.

(*a*) Will the Government be pleased to lay on the table a statement showing the number of Superintendentships of police, both permanent and temporary, given to officers of the provincial police service, namely— Police Superintendentships.

(*i*) to promoted Inspectors of police, and

(*ii*) to directly appointed Deputy Superintendents of police, respectively?

(*b*) Will the Government be pleased to state—

(*i*) the present number of Deputy Superintendents of police;

(*ii*) how many of them have been appointed direct from outside during the last five years; and

(*iii*) how many have been promoted from the police service during the same period?

Answer by the Hon'ble MR. KERR :—

"(*a*) Two permanent posts and one temporary post of Superintendent of Police are at present held by promoted officers of the provincial police service. All three officers were promoted to the Deputy Superintendents' grade from the rank of Inspector.

(*b*) (*i*) 29.

(*ii*) 9.

(*iii*) 11."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

XXI.

Is it a fact that when the last increase in the cadre of Deputy Collectors was asked from the Secretary of State, the appointments of Managers for the Court of Wards and mortgaged estates were taken as appointments to be filled up by the members of the Provincial Executive Service? Managers for Court of Wards and mortgaged estates.

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"In connection with the reorganisation of the Provincial Civil Service, which was sanctioned in 1906, ten posts were provided for employment in Wards and Encumbered Estates in the province of Bengal as constituted before the partition of 1905 In 1912, five of these posts were transferred to Bihar and Orissa."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

XXII.

Railway over-bridges in Mymensingh

(a) Are the Government aware that the residents of Mymensingh town living on the southern side of the Eastern Bengal Railway are greatly inconvenienced for want of over-bridges across the railway?

(b) Are the Government aware that there is constant shunting of engines on the railway, which is a source of inconvenience and danger to them?

(c) Are the Government considering the desirability of removing this danger and requiring the Eastern Bengal Railway to construct over-bridges in places where they have constantly to cross?

Answer by the Hon'ble MR. COWLEY :—

"(a) The alleged inconvenience has recently been brought to the notice of Government.

(b) It has been ascertained from the Eastern Bengal Railway authorities that there is more shunting at Mymensingh than before the extension of the station yard.

(c) No. The Railway authorities report that they are taking steps to minimise any inconvenience."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XXIII.

Muhammadan assistants of the Bengal Secretariat.

(a) Will the Government be pleased to state whether the claims of the Muhammadan assistants in the Bengal Secretariat are considered when assistants are taken with the Government to Dacca and Darjeeling?

(b) Will the Government be pleased to lay on the table a statement showing the total number of assistants sent on each trip to Darjeeling and Dacca, respectively, from each Department of the Secretariat since 1912, and the number of Muhammadans selected on each occasion in each batch, Department by Department?

Answer by the Hon'ble MR. DONALD :—

"(a) No claim can be admitted that the number of assistants accompanying the Government to Dacca and Darjeeling should include a certain proportion of any particular race or creed. The selection of such assistants is necessarily governed by considerations of the work to be done.

(b) A statement is laid on the table."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. DONALD *to question No. XXIII (unstarred) asked by the Hon'ble* MAULVI A. K. FAZL-UL-HAQ *at the Council Meeting of the 19th August, 1918, showing the number of Assistants taken to Darjeeling and Dacca during each of the years 1912-1918.*

	DARJEELING.													
	1912.		1913.		1914.		1915.		1916.		1917.		1918.	
	1st trip.	2nd trip.	1st trip.	2nd trip.	1st trip.	2nd trip.	1st trip.	2nd trip.	1st trip.	2nd trip.	1st trip.	2nd trip.	1st trip.	2nd trip.
Chief Secretary's office.	26-1	28-3	22-2	19-3	22-1	Figures not available.	20-1	23-3	23-3	25-3	26-3	17-1	18-2	
Financial Secretary's office.	19-1	22-0	18-1	19-0	13-1	7-0	14-0	18-2	13-3	17-1	18-2	16-1	13-2	
Revenue Secretary's office.	4-0	2-0	4-0	6-0	8-1	6-1	8-1	10-1	10-2	5-0	10-3	7-2	7-2	
General Secretary's office.	Figures not available.						15-0	16-1	17-0	14-2	17-2	12-1	12-1	
Public Works Secretary's office.	15-0	15-0	15-1	16-1	14-0	12-0	15-0	14-0	15-0	17-0	11-1	7-0	14-0	
Legislative Secretary's office.	3-0	5-0	3-0	3-0	3-0	2-0	3-0	4-0	4-0	4-0	5-1	4-1	4-0	

	DACCA.						
	1912.	1913.	1914.	1915.	1916.	1917.	1918.
Chief Secretary's office.	20-5	11-1	13-0	12-1	23-5	26-5	18-4
Financial Secretary's office.	13-0	10-0	9-0	7-1	9-2	7-0	3-0
Revenue Secretary's office.	4-0	4-1	2-0	3-1	1-0	2-1	2-1
General Secretary's office.	Figures not available.			9-2	11-2	12-1	10-0
Public Works Secretary's office.	12-0	7-0	5-0	11-1	13-1	6-0	13-2
Legislative Secretary's office	...	...	4-0	5-0	5-0	5-1	...

N.B.—The left hand figure in each column shows the total number of assistants, while the right hand figure gives the number of Muhammadan assistants.

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

XXIV.

(*a*) Is it a fact that the pay of the post of the Collector of Income-tax in Calcutta has been raised to Rs. 1,500 rising to Rs. 2,000 a month? Collector of Income-tax.

(*b*) Is it a fact that Government are entertaining applications from outsiders as well as from persons already in Government service for the above post?

(*c*) Will the Government be pleased to declare their policy as to—

(*i*) whether the post is to be considered a preserve for any particular service, Imperial or Provincial;

(*ii*) whether the post is to be treated as one to which a professional European must be appointed;

(*iii*) whether the post is to be treated as one to which a professional Indian will be appointed;

(*iv*) whether there is any bar to an Indian, as such, official or otherwise, being appointed to the post?

Questions and Answers.

(*d*) Will the Government be pleased to lay on the table copies of all correspondence relating to the raising of the salary of the post between them and the Government of India and also the Secretary of State?

(*e*) If that is not convenient, will the Government be pleased to lay on the table a copy of the letter from the Secretary of State, and the Government of India conveying sanction to the increased rate of pay?

(*f*) Are the Government considering the advisability of keeping well within the proposal for the Indianization of services recommended in the recently published Reform Scheme when filling up this post?

Answer by the Hon'ble MR. DONALD :—

"(*a*) The pay has not yet been raised; it is intended, if a suitable candidate for the post be forthcoming, to fix the pay of future incumbents at the figure stated.

(*b*) Yes.

(*c*) (*i*) to (*iv*) It is the intention of Government to select the best candidate available, without limitations of the kind suggested

(*d*) and (*e*) Government are not prepared to lay the correspondence on the table.

(*f*) The post is not one which is necessarily filled by a member of any service and the question does not, therefore, arise."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXV.

Registrars of Police Courts

(*a*) Are the Government aware that formerly Sheristadars or Registrars of Police Courts, Calcutta, were recruited from experienced officers of the ministerial establishment?

(*b*) Are the Government aware that Mr. D H. Kingsford, late Chief Presidency Magistrate of Calcutta, made an experiment in the matter of the selection of Sheristadars or Registrars from among the members of the Provincial Subordinate Executive Service?

(*c*) Will the Government be pleased to state whether the above experiment proved to be successful?

(*d*) Will the Government be pleased to lay on the table the opinion of the Hon'ble Mr. Justice Newbould and the Hon'ble Mr. Justice Duval regarding the appointment of Sheristadars, as expressed in their last inspection notes of the Police Courts in Calcutta?

(*e*) Are the Government considering the desirability of taking into consideration the opinions of the two Hon'ble Judges in the matter of appointing Sheristadars in the Police Courts in Calcutta in the future?

Answer by the Hon'ble MR DUVAL :—

"(*a*) Yes.

(*b*) Yes.

(*c*) The experiment proved successful.

(*d*) The appointment of Sheristadars was not discussed in the notes referred to.

(*e*) The question does not arise"

Questions and Answers.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXVI.

(*a*) Has the attention of the Government been drawn to the memorial submitted by the residents of the police-station Manirampore in the district of Jessore protesting against the proposed removal of the police-station from Manirampore to Rajganj? Police-station of Manirampore.

(*b*) If so, will the Government be pleased to state what action, if any, is being taken in regard to the memorial?

ANSWER by the Hon'ble MR. KERR :—

"(*a*) Yes.

(*b*) No proposal for the removal of the police-station has yet been received by Government, and the local officers have been asked to consider the memorial before submitting recommendations in the matter. The memorialists have been informed that their representation will be considered by Government before any orders are passed."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXVII.

With reference to the scheme of partition of the district of Dacca, as outlined in Government Resolution No. 5670 P., dated the 17th July, 1918— Partition of Dacca.

(*a*) Will the Government be pleased to state—

(*i*) what the ultimate total cost, non-recurring and recurring, of maintaining the two districts under the proposed scheme is likely to be;

(*ii*) how much, approximately, the average expenditure of the two districts under the proposed scheme is likely to be; and

(*iii*) by how much approximately would the average expenditure of the two districts together exceed the present average expenditure of the Dacca district?

(*b*) what the respective average annual income and expenditure of the two District Boards of the two districts would be under the said scheme?

(*c*) what the respective average annual income and expenditure of the district of Dacca has been during the last five years in respect of each of the two areas proposed to be constituted into two districts?

(*d*) have the Government considered an alternative scheme of partition of the district of Dacca by which the subdivisions of Munshiganj and Manikganj, and some parts of the Sadar subdivision of Dacca, such as Nawabganj thana, may be constituted into a district?

(*e*) have the Government taken into consideration the merits of such a scheme, in so far as it would combine areas which possess many common physical aspects, and present the same problems regarding communication, education and sanitation?

Answer by the Hon'ble MR. KERR :—

"(*a*) Complete estimates have not yet been prepared, but it is probable that the scheme will involve an expenditure of about Rs. 17 lakhs non-recurring and Rs. 1½ lakhs recurring.

(*b*) and (*c*) The information is not available and the labour of compiling it would be disproportionate to the value of the results at the present stage of the case.

(*d*) and (*e*) No, but if any such scheme is put forward by responsible persons in response to the resolution of the 17th July, it will receive due consideration."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXVIII.

Subdivisions of Narayanganj and Munshiganj.

Are the Government aware that from the Hindu social point of view, the subdivision of Narayanganj has little in common with the Munshiganj subdivision?

Answer by the Hon'ble MR. KERR :—

"Government have no precise information on the subject, but will be glad to consider any representation which may be put forward in response to the resolution of the 17th July."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXIX.

Waterways and subdivisions in the Presidency.

With reference to the answer to my unstarred question No. IV of the 27th March, 1917, will the Government be pleased to state what progress, if any, has been made in the matter of the formation of the waterways division and subdivisions?

Answer by the Hon'ble MR. COWLEY :—

"The continuance of the war has rendered it impossible to proceed with the formation of new divisions and subdivisions. Such would involve both additional expenditure and more staff."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXX.

Ground-nut industry in Bengal.

(*a*) With reference to the answer to my unstarred question No. XLII of the 18th December, 1917, are the Government in a position to make a statement as to the progress made in the ground-nut industry in Bengal and as to how far it has proved an economic success?

(*b*) Are the Government now in a position to combat the spread of the ground-nut diseases?

Answer by the Hon'ble MR. KERR :—

"(*a*) Cultivation is spreading steadily in the Burdwan Division in the districts of Bankura, Midnapore and Birbhum owing to demonstrations by the District Agricultural Officers. Trials on a field-scale are being made in the Presidency Division.

Hitherto the crop has been an economic success as it grows freely without manure, but it may eventually require manuring with phosphates on the laterite areas.

(*b*) Up to date there has been no serious outbreak of disease in the Bengal crop. A proposal is before Government for the deputation of an officer of the Agriculture Department to the Bombay Presidency to study amongst other things methods for the avoidance of disease."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXI.

Inquiry by the Executive Engineer on special duty regarding waterways in the Dacca Division.

Will the Government be pleased to state—

(*a*) what progress has been made by Mr. S. N. Banerjee, Executive Engineer on special duty, in regard to the inquiry into the conditions of the waterways in the Dacca Division: and

Questions and Answers.

(b) when he is likely to direct his inquiry to the Mymensingh waterways?

Answer by the Hon'ble MR. COWLEY :—

"(a) The Hon'ble Member is referred to the answer given to unstarred question No. XXXVIII of the Hon'ble Rai Sri Nath Ray Bahadur at to-day's meeting.

(b) The scope of the inquiries with which the Executive Engineer on special duty has been entrusted does not extend to the district of Mymensingh. The possibility of extending the scope of such special inquiries to the district of Mymensingh will depend on the future strength of the establishment of the Public Works Department and on the relative urgency of the various problems which require the services of specially selected officers."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXII.

Sibpur and Dacca Schools of Engineering.

With reference to the answer to my unstarred question No. XVIII of the 19th February, 1918, are the Government considering the desirability of equalising the scales of stipends granted to the artisans at the Sibpur and Dacca Schools of Engineering?

Answer by the Hon'ble MR. O'MALLEY :—

"No. No proposals to this effect have been made by the authorities directly responsible for the welfare of the Institutions."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXIII.

Title suits, rent suits and miscellaneous suits against the Nawab of Dacca's estate.

Will the Government be pleased to lay on the table a statement showing separately, year by year, and district by district, from April 1907 to March 1918, the number of title suits, rent suits and miscellaneous suits in connection with the record-of-rights relating to, and criminal cases for and against, the estate of the Nawab of Dacca under the Court of Wards?

Answer by the Hon'ble MR. KERR :—

"The compilation of the information asked for would necessitate the employment of a special staff and thus involve the estate in expense which could not be justified."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXIV.

Complaints against managers or employés of Court of Wards estates.

Will the Government be pleased to state, in how many, and in what instances during the last five years ending on the 31st March, 1918, did the proprietors of estates under the Court of Wards management in Bengal, prefer complaints of a personal character to the Courts of Wards, the Commissioner or the Collector, against the managers or other employés of such estates, stating in each case the purport of such complaints, when and to whom they were made, and the steps taken thereon?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"There have been hardly any complaints except from the proprietors of one estate. The responsibility for the management of estates under the Court of Wards rests solely with the Court of Wards and its employees. Complaints of a personal character are for the most part of a private and confidential nature and it is not in the public interest that their purport should be divulged."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXV.

Chittagong as a ship-building centre.

With reference to the answer to my unstarred question No. XXVI of the 5th March, 1918, have the Government any information as to the result of the investigation by the Indian Munitions Board in regard to the possibilities of Chittagong as a ship-building centre?

Answer by the Hon'ble MR. COWLEY :—

"The Bengal Government have no information on the subject."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXVI.

Motor service between Aricha and Manikganj.

With reference to the answers to my unstarred questions Nos. XLVI of the 7th August, 1917, and XVII of the 19th February, 1918, will the Government be pleased to state what progress, if any, has been made in regard to the proposed motor service between Aricha and Manikganj and the negotiations reported to be pending between the promoter and the District Board?

Answer by the Hon'ble MR. O'MALLEY :—

"It is reported that in February 1918, Mr. Anis accepted the terms sanctioned by the District Board and that a draft agreement was sent to him in the same month with the request that he would execute and register it and return it to the District Board with a sum representing half the estimated capital cost and recurring charges. No reply has been received from him."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XXXVII.

The Dacca School of Engineering.

With reference to the answer to my unstarred question No. L of the 18th December, 1917, will the Government be pleased to lay on the table the entire inspection note of Messrs. Everett and Taylor, regarding the abolition of the electrical and mechanical classes of the Dacca School of Engineering?

Answer by the Hon'ble MR. O'MALLEY :—

"A *copy is laid on the table."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

XXXVIII.

...ways and ...annels in ...ast Bengal.

(a) Will the Government be pleased to state whether the officer deputed to investigate into the question of waterways and channels in East Bengal has submitted any report on the subject?

* Not printed in these Proceedings.

Questions and Answers.

(*b*) If so, will the Government be pleased to lay it on the table?

(*c*) Will the Government be pleased to state whether it is in the contemplation of the Government to abolish the office created for the purpose of the said investigation after the submission of the report?

(*d*) Will the Government be pleased to consider the advisability of either permanently retaining the office or until such time as all necessary projects for improving the waterways and channels have been effected?

Answer by the Hon'ble MR. COWLEY :—

"(*a*) and (*b*) No project report has yet been finally completed though *ad interim* technical reports have been received. No useful purpose will be gained by laying these technical reports on the table at an intermediate stage in the inquiries. Inquiries are being continued and hydraulic data collected in connection with the following projects :—

(*i*) the improvement of the Tulsi Khal to give direct communication between the Padda near Tarpassa, and the Dhaleswari;

(*ii*) the improvement of the Pania Khal between the Dhaleswari and Buriganga rivers;

(*iii*) the improvement of the Dholai Khal, with a connection to the Balu river at Domra; and

(*iv*) the improvement of the Sitallakhya Khal to give direct communication between Dacca and Narayanganj.

(*c*) and (*d*) The office was created for the purpose of carrying out certain special inquiries, and would naturally cease to exist after these inquiries had been completed and the connected report has been submitted. The question of the advisability of extending the scope of the inquiries is, however, now under consideration; but Government are at present not in a position to make any definite statement on the subject."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XXXIX.

(*a*) Will the Government be pleased to state— Mohurrirs in the Bengal Secretariat.

(*i*) whether mohurrirs in the Bengal Secretariat are eligible for promotion to the general clerical service;

(*ii*) how many such promotions have been made since 1912, both in the case of temporary and permanent appointments; and

(*iii*) how many of such promotions were in each case given to Muhammadans?

(*b*) Will the Government be pleased to lay on the table a statement showing the names of the present mohurrirs in the Bengal Secretariat and their respective educational qualifications?

(*c*) Will the Government be pleased to state the minimum qualifications required for admission—

(*i*) into the Upper Division and Lower Division clerkships in the Bengal Secretariat; and

(*ii*) as clerks under the various Heads of Departments?

Answer by the Hon'ble MR. DONALD :—

"(*a*) (*i*) They are eligible for appointments if they pass the clerkship examination and are otherwise qualified under the rules.

(*ii*) There have been two such permanent appointments in the Financial Department, one temporary appointment in the Revenue Department and two in the General Department (in leave vacancies).

Questions and Answers.

(*iii*) One in the General Department.

(*b*) A statement is laid on the table

(*c*) (*i*) and (*ii*) The Hon'ble Member is referred to rules 3, 15 to 17, 20 and 21 of the Rules for the Regulation of Appointment in the Clerical Service of the Secretariat of the Government of Bengal, a *copy of which is laid on the table."

Statement referred to by the Hon'ble Mr. Donald in his answer to question No. XXXIX (unstarred) asked by the Hon'ble Maulvi A. K. Fazl-ul-Haq at the Council meeting of the 19th August, 1918.

Financial Department	(1) Surendra Nath De (2) Dhirendra Nath Bose (3) Asutosh Das	
Revenue Department	(1) Khagendra Nath Ganguli	No particular qualifications.
General Department	(1) Jatindra Nath Goswami (2) Bijay Kumar Mukherji	
Political Department	(1) Gopi Krishna Sarkar (2) Giridhari Mukherji (3) Dhone Krishna Daw	

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :-

XL.

Manufacture of paper.

With reference to the answer to my unstarred question No. LXXIV of the 20th November, 1917, are the Government in a position to make any statement with regard to the manufacture in Bengal of paper pulp from bamboo and sabai grass, and the actual progress, if any, made in this direction?

Answer by the Hon'ble MR. DONALD :—

"As regards sabai grass, it has been used for many years for the manufacture of paper in Bengal. As stated on the 20th November last, experiments have been made in making paper-pulp from bamboo; and such experiments are still being made. But Government are not in a position to make a public statement about the results of such experiments made by private firms."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XLI.

Dacca School of Engineering.

Is it a fact that the power-house implements of the Dacca School of Engineering are going to be sold? If so, will the Government be pleased to state the reason therefor?

Answer by the Hon'ble Mr. COWLEY.

"It is not at present proposed to sell the Electric Generating Plant of the Dacca College."

*Not printed in these Proceedings.

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XLII.

Pollution of the Ganges.

With reference to the answer to my unstarred question No. LXXIV of the 3rd July, 1918, regarding the discharge of night-soil into the Ganges and its effect on public health, has the attention of the Government been drawn to a letter (No. 387—679-701, dated the 5th June, 1918) addressed by the Sanitary Commissioner, Bengal, to the Chairman of certain riparian municipalities, in which it was stated that samples of unfiltered water taken from the Ganges (Bhagirathi) were examined chemically and bacteriologically, and as a result it was found that the water contained countless bacteria and it was indicated that it contained such a large amount of pollution, probably derived from human excreta, as to render it dangerous to use it for drinking purposes?

Answer by the Hon'ble MR. O'MALLEY :—

"The answer is in the affirmative."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

XLIII.

Allowance to the family of the Nawab of Dacca.

(*a*) What are the rates at which allowances are paid to each of the wards of the Nawab family of Dacca?

(*b*) Have they been increased or cut down since 1907 up till 1918? If they have been curtailed in any instances, why?

Answer by the Hon'ble MR. KERR :—

"(*a*) and (*b*) The allowances paid to wards are matters of a private and personal nature and Government are not prepared to furnish any information regarding them."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XLIV.

Office of the Inspector-General of Prisons.

Will the Government be pleased to state—

(*a*) the number of clerks in the office of the Inspector-General of Prisons, Bengal;

(*b*) how many of such clerks are Muhammadans;

(*c*) how many appointments as clerks have been made since 1912; and

(*d*) how many of such appointments were given to Muhammadans?

Answer by the Hon'ble MR. KERR :—

"(*a*) 23

(*b*) None.

(*c*) 10 (permanent).

(*d*) None.

The Inspector-General states that suitable Muhammadan candidates are unwilling to accept appointments in the lower grade of clerks, but his attention is being called to the Government orders on the subject, and he is being instructed to make further efforts to secure suitable candidates by advertising vacancies in Muhammadan papers and otherwise."

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XLV.

Advertising vacancies in the Secretariat and subordinate offices.

Will the Government be pleased to state the means that are adopted to advertise vacancies in the Secretariat and the offices under Heads of Departments so as to give due notice to intending Muhammadan candidates?

Answer by the Hon'ble MR. DONALD :—

"The Hon'ble Member is referred to rule 21 (*1*) of the rules for the regulation of appointments in the clerical service of the Secretariat of the Government of Bengal, a copy of which is laid on the table. In addition, if candidates are not available otherwise, notices are displayed at the entrances to the Secretariat, the Assistant Director of Public Instruction for Muhammadan Education is informed, and District Officers are consulted.

The practice in the offices of Heads of Departments is not uniform, but, generally speaking, vacancies are advertised and in some instances special efforts made to get into touch with Muhammadan interests."

Rule 21 referred to in the above answer.

* * * * * * *

21. (1) The head of an office will also reserve the power of appointing suitable Muhammadans to either the Upper Division or the Lower Division. In the case of the Upper Division of the Secretariat every third appointment in each office made under rule 3 shall ordinarily be given to a Muhammadan, provided he possesses the educational qualifications required by rule 3 (*a*). In the Lower Division of the Departments of the Secretariat every third appointment in each office shall ordinarily be given to a Muhammadan who possesses the educational qualifications required by rule 15 and furnishes the evidence required by rule 16. Before candidates are selected for appointments in either Division, all vacancies shall be advertised in Muhammadan papers and Muhammadan Anjumans shall be informed. In the Lower Division such selection shall be made only when there is no suitable Muhammadan candidate in the competitive examination to whom the post can be offered.

(2) Until the proportion of Muhammadans in the various offices reaches one-third the claims of qualified Muhammadan candidates shall be considered in filling up all vacancies.

* * * * * * *

By the Hon'ble MAULVI ABUL KASEM :-

XLVI.

Dacca Medical School.

Will the Government be pleased to state—

(*i*) the number of students admitted this year in the first-year class, Dacca Medical School, and how many of these were Hindus and how many Muhammadans;

(*ii*) what was the number of Muhammadan candidates who applied for admission in the first-year class this year in the Dacca Medical School; and

(*iii*) whether the rules framed by the Director of Public Instruction for the admission of Muhammadan boys in the public schools apply to Medical and Engineering schools? If not, do the Government propose to issue orders making them so applicable?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"(i) and (ii) The following statement gives the information asked for :—

	Hindus.	Muhammadans.	Others.	Total.
Number of candidates who applied for admission into the 1st year class, Dacca Medical School, this year ...	520	32		557
Numbers who presented themselves in person for admission ...	232	8		245
Numbers who have been actually admitted	125	8		138

(iii) The answer to the first part of the question is in the negative; as regards the second part, the desirability of extending the rules in this way will be further examined."

The Hon'ble MAULVI ABUL KASEM asked the following supplementary question :—

"Will the Government be pleased to state whether the students who applied for admission were asked to present themselves in person before the Superintendent of the School?"

The Hon'ble SIR HENRY WHEELER said :—

"I would ask for notice of this question. I cannot reply to it without reference to the Superintendent of the School."

By the Hon'ble MR. AMINUR RAHMAN :—

XLVII. Howrah Courts.

Will the Government be pleased to state—

(a) the number of—

(i) Honorary Magistrates,
(ii) Jurors, and
(iii) Assessors,

in the Howrah courts, and how many in each of these classes are Muhammadans;

(b) the number of clerks in—

(i) the Howrah Magistrate's office,
(ii) the Howrah criminal courts, and
(iii) the Howrah civil courts;

and how many in each of these classes are Muhammadans?

Answer by the Hon'ble MR. DUVAL :—

"A statement is laid on the table—

	Total number.	Muhammadans.
(a) (i) Honorary Magistrates	44*	1
(ii) Jurors ... ... } (iii) Assessors	611	14
(b) Clerks in—		
(i) Howrah Magistrate's office ... ... } (ii) Howrah Criminal Courts	54†	5
(iii) Howrah Civil Courts	56	4

* Including 8, who do not sit but have been permitted to retain the title of Honorary Magistrate.
† The establishments for the Magistrate's office and Criminal Courts are not separate."

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XLVIII.

Closing of *zenana* classes.

In view of the reply of Government to my starred question No. 1 of the 5th March, 1918, will the Government be pleased to state the number of *zenana* classes in the houses of Sub-Judges, Munsiffs, Deputy Magistrates and other gentlemen of position in the Burdwan and Presidency Divisions which have been closed during 1917-18, and the reasons why these classes were closed?

Answer by the Hon'ble MR. O'MALLEY :—

"One. It was closed because the pupils refused to submit to departmental rules."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XLIX.

Travelling allowance drawn by the Inspectress of Schools, Presidency and Burdwan Divisions.

Will the Government be pleased to state—

(*a*) the travelling allowance drawn by Miss Brock, month by month, during the last twelve months before she went on leave;

(*b*) the number of schools visited by her each month during that period;

(*c*) the travelling allowance drawn by the Officiating Inspectress during the twelve months next following and;

(*d*) the number of schools visited by the Officiating Inspectress each month during that period?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) to (*d*) A statement is laid on the table."

Statement referred to by the Hon'ble MR. O'MALLEY, *in his answer to question No. XLIX (unstarred) asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY, *at the Council Meeting of the 19th August, 1918, showing the amount of travelling allowance drawn by Miss Brock and the number of schools inspected by her during the last twelve months before she went on leave.*

Month.	Amount. Rs.	A.	P.	Number of schools inspected
October, 1915	101	10	0	2
November "	216	8	0	3
December "	41	12	0	2
January, 1916	307	13	0	11
February "	296	12	0	10
March "	329	2	0	10
April "	109	0	0	8
May "	257	15	0	7
June "	198	2	6	5
July "	163	0	6	10
August "	148	0	0	11
September "	46	2	0	3
Total ...	2,215	13	0	82

Questions and Answers.

Statement showing the amount of travelling allowance drawn by Miss H. BOSE *and the number of schools inspected by her during the period of twelve months from October, 1916, to September, 1917.*

Month.			Amount. Rs. A. P.	Number of schools inspected.
October, 1916	...	...	87 0 0	8
November „ ...	...	...	165 12 0	16
December „ ...	...	...	175 4 0	8
January, 1917 ...	...	...	266 13 9	18
February „ ...	...	...	188 0 9	17
March „ ...	...	...	308 13 0	21
April „ ...	...	...	78 11 0	7
May „ ...	...	...	243 8 0	15
June „ ...	...	...	96 2 0	9
July „ ...	...	...	171 [illegible] 0	24
August „ ...	...	...	140 6 0	11
September „ ...	...	...	292 3 0	30
	Total	...	2,213 13 6	184

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

L.

Will the Government be pleased to lay on the table a statement showing— Appointments in the Bengal Secretariat.

(*a*) the number of assistants appointed in the Bengal Secretariat since 1912, whose qualifications were below the minimum laid down for such appointments;

(*b*) how many of such appointments were given to Muhammadans (with their names); and

(*c*) the reasons for their appointment in each case in violation of the prescribed rule as to qualification?

Answer by the Hon'ble MR. DONALD :—

"(*a*) and (*b*) The following statement gives the information required :—

	Financial Department.	General Department.	Political Department.	Legislative Department.	Revenue Department.
Number of Assistants appointed, though not qualified.	6	2	5	6	2
Number of Muhammadans ...	...	1*	1†	4‡	...

* Maulvi Kabir-ul-Hasan.

† Saiyed Abul Hamid.

‡ Maulvi Saiyed Nasir Ahmed.
Munshi Mansura Quadari.
Maulvi Khoudakar.
Maulvi Mouamoul Haque.

(*c*) The Hon'ble Member is referred to the reply given by the Hon'ble Mr. Donald to question No. XXXI (*b*) asked by the Hon'ble Babu Bhabendra Chandra Ray on the 3rd July, 1917."

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :-

Inspection of schools by the Inspectress of Schools, Presidency and Burdwan Divisions.

LI.

With reference to the reply of Government to my starred question No. 3 of the 14th March, 1918, will the Government be pleased to state—

(*i*) the names of the twenty girls' schools within the road distance of 10 to 20 miles from a railway station or a halting place which have been visited by the Officiating Inspectress of Schools within the last twelve months;

(*ii*) who accompanied the Officiating Inspectress to these schools;

(*iii*) what was the distance of each school from a railway station or a halting place;

(*iv*) the names of the railway stations or halting places from which the distance has been calculated;

(*v*) the dates on which those schools were inspected;

(*vi*) whether other schools were visited on those dates, if so, which; and

(*vii*) what was the total road distance travelled on each of those dates?

Answer by the Hon'ble MR. O'MALLEY :—

(*i*), (*iii*), (*iv*), (*v*), (*vi*) and (*vii*). A statement is laid on the table.

(*ii*) Government have no information.

Statement referred to by the Hon'ble MR. O'MALLEY, *in his answer to question No/LI (unstarred) asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY, *at the Council Meeting of the 19th August, 1918.*

	Name of school.	Distance of the school from the railway station or halting place.	Name of the railway station or halting place from which the distance has been calculated.	Date of inspection.	Name of other schools visited on the way on that very day.	Total road distance travelled on each of those dates.
		Miles				Miles.
1.	Bhimpur Girls' School	20	Midnapore ...	1st March, 1917	Nil ...	20
2.	Chandibati Girls' School	10	Contai ...	6th March, 1917	Paikbar ...	11
3.	Panchiarra Girls' School	17	Suri ...	23rd March, 1917	Hetampur ...	17
4.	Ariadah Girls' School	10	Calcutta ...	17th May, 1917	Baranagar and Dakshineswar.	12
5.	Sultanpur Zenana Class	17	Basirhat ...	20th June, 1917	Nil ...	17
6.	Ramnagar Girls' School	15	Krishnagar ...	9th July, 1917	Kasyappara ...	16
7.	Amadpur Model Girls' School.	20	Burdwan ...	12th September, 1917.	Nil ...	20
8.	Tantipara Girls' Muktab	10	Suri ...	20th September, 1917.	Gollara ...	13
9.	Aralia Girls' Muktab ...	15	" ...	21st September, 1917.	Nil	15
10.	Mukbasan Girls' Muktab	20	Midnapore ...	21st January, 1918	Nil	20
11.	Anandapur Girls' Muktab	15	" ...	22nd January, 1918	Nil	15
12.	Panchthupe Girls' School.	10	Kandi ...	8th February, 1918.	Bagdanga ...	11
13.	Bhogirathpur Girls' School.	20	Berhampore ...	12th February, 1918.	Nil	20
14.	Nashipur Girls' School	11	" ...	14th February, 1918.	Lalbag ...	12
15.	Taki Model Girls' School	14½	Basirhat Kachari	19th February, 1918.	Zenana Agency...	14½
16.	Iswarigachi Peasant Girls' School	16	" ...	20th February, 1918.	Nil	16
17.	Sripur Girls' School ...	15	" ...	22nd February, 1918.	Nil	15
18.	Jhinkra Central Gathering Class.	10	Amta Railway Station.	2nd April, 1917	Nil	10
19.	Kusumgori Girls' Muktab.	18 (on the way).	Suri ...	17th September, 1917.	Nil	18
20.	Shantipur C. M. S. Girls' School.	20	Viaramara Railway station.	5th May [illegible]	Nil	20

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LII.

(*a*) Is it a fact that Mr. Payne, Chairman of the Corporation of Calcutta, did not offer to sit on the present Lighting Committee of the Corporation in order to give a chance to the members of the said Committee to conduct the business of the Committee themselves? Chairman of the Corporation of Calcutta and the Lighting Committee.

(*b*) When the Chairman does not happen to be a member of a committee, do not the rules require such committee to choose its own President?

(*c*) Was the retirement of Mr. Payne from the Lighting Committee conditional upon his choosing its President himself?

(*d*) Is it a fact that on a recent occasion he asked a member of the Committee to elect Mr. Cotton, I.C.S., as Chairman of the said Committee? If so, why?

(*e*) Is it not the declared policy of Government that no official interference should be made in the election of members of committees of local bodies?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*), (*c*) and (*d*) Government have no information. These are matters concerning the Corporation and the information should be asked for at a meeting of the Corporation.

(*b*) This is the rule for special committees.

(*e*) Yes."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LIII.

(*a*) Is it a fact that the Divisional Inspectors of Schools are permitted to spend a month at Darjeeling every year? Divisional Inspectors of Schools.

(*b*) If so, will the Government be pleased to lay on the table any circular or order in this behalf and state the amount of emoluments enjoyed, and the nature of the work done, by such Inspectors during this period of recess?

(*c*) When did this practice originate and for what reasons?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) and (*b*) A copy* of Government Order No. 1786 T.G., dated 24th September, 1912, is laid on the table. It will be seen that all Inspectors of Schools, except the Inspector of Schools, Rajshahi Division, are permitted to spend one month in the year (from 20th May to 20th June) in Darjeeling subject to certain conditions. The case of the Inspector of Schools, Rajshahi Division, is governed by Government Order No. 3676, dated 7th August, 1908, as modified by Government Order No. 2185 T.G., dated 31st October, 1910, of which copies are also laid on the table.

The Inspectors of Schools draw only their salary if they spend on month in Darjeeling, and they are responsible for the work in their Divisions during this period.

(*c*) This arrangement was sanctioned in 1912 on the following grounds :—

(*1*) that during the month in question the schools are closed for the summar vacation, so that there is no inspection to be done and work is light;

(*2*) that a visit to Darjeeling at this time of the year would benefit the health of the officers concerned and lead to increased efficiency; and

(*3*) that it would give them an opportunity to study educational and administration questions, and to discuss them with one another and with the Director of Public Instruction."

* Not printed in these Proceedings.

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI:—

Health Officers and Sanitary Inspectors in Municipalities.

LIV.

(*a*) Will the Government be pleased to make a statement giving the names of municipalities that have got a Health Officer or a Sanitary Inspector, as the case may be, showing in each instance the pay allowed to such officers?

(*b*) Are the Government in a position to make a statement showing sanitary improvements carried out by these officers in their respective municipalities?

Answer by the Hon'ble MR. O'MALLEY:—

"(*a*) A statement is laid on the table.

(*b*) Government regret that the information is not available.

Statement referred to by the Hon'ble MR. O'MALLEY, *in his answer to question No. LIV (unstarred) asked by the Hon'ble* BABU BROJENDRA KISHOR RAY CHAUDHURI *at the Council Meeting of the 19th August, 1918, showing the names of municipalities that have got a Health Officer or a Sanitary Inspector with the pay allowed.*

Name of municipality.	Number of Health Officers appointed.	Pay.	Number of Sanitary Inspector appointed.	Pay.
		Rs.		Rs.
Burdwan	1	150—10—300	2	50—5—100
Kalna	...	...	1	50—5—100
Katwa	...	...	1	50—5—100
Raniganj	...	...	1	50—5—100
Suri	...	...	1	50—5—100
Bankura	...	...	1	50—5—100
Vishnupur	...	...	1	50—5—100
Midnapore	1	150—10—300	2	50—5—100
Tamluk	...	...	1	50—5—100
Hooghly-Chinsura ...	...	...	1	50—5—100
Uttarpara	...	...	1	50—5—100
Baidyabati	...	...	1	50—5—100
Bhadreswar	...	...	1	50—5—100
Howrah	1	500—40—700	4	50—5—100
Bally	...	...	1	50—5—100
Cossipore-Chitpur ...	1	300—20—500	2	50—5—100
Maniktola	...	...	3	50—5—100
South Suburban ...	1	150—10—300	1	50—5—100
Tollygunge	...	...	1	50—5—100
Garden Reach	1	150—10—300	1	50—5—100
Budge Budge	1	150—10—300	1	50—5—100
Baranagore	1	150—10—300	1	50—5—100
Kamarhati	...	...	1	50—5—100
Rajpur	...	...	1	50—5—100
South Dum-Dum ...	...	...	1	50—5—100
Panihati	...	...	1	50—5—100
North Barrackpore ...	...	...	1	50—5—100

Questions and Answers.

Name of municipality.	Number of Health Officers appointed.	Pay.	Number of Sanitary Inspectors appointed.	Pay.
		Rs.		Rs.
Titagarh	...	...	2	50—5—100
Garulia	...	...	1	50—5—100
Naihati	...	...	1	50—5—100
Halishahar	...	...	1	50—5—100
Bhatpara	1	150—10—300	2	50—5—100
Baraset	...	...	1	50—5—100
Basirhat	...	...	1	50—5—100
Krishnagore	1	150—10—300	1	50—5—100
Nadia	...	...	1	50—5—100
Ranaghat	...	...	1	50—5—100
Santipur	1	150—10—300	1	50—5—100
Kushtia	...		1	50—5—100
Berhampore	1	150—10—300	1	50—5—100
Murshidabad	...	...	1	50—5—100
Azimganj	...	...	1	50—5—100
Jangipur	...	...	1	50—5—100
Jessore	...	...	1	50—5—100
Khulna	...	...	1	50—5—100
Satkhira	...	...	1	50—5—100
Rampur-Boalia ...	1	150—10—300	1	50—5—100
Natore	...	...	1	50—5—100
Dinajpur	1	150—10—300	...	...
Jalpaiguri	...	...	1	50—5—100
Rangpur	...	...	1	100
Bogra	...	...	1	50—5—100
Pabna	...	...	1	50—5—100
Sirajganj	...	...	1	50—5—100
English Bazar	...	...	1	50—5—100
Nawabganj	...	...	1	50—5—100
Dacca	1	300—20—500	3	50—5—100
Narayanganj	1	150—10—300	1	50—5—100
Mymensingh	1	150—10—300	1	50—5—100
Netrokona	...	...	1	50—5—100
Jamalpur	...	...	1	50—5—100
Sherpur	...	...	1	50—5—100
Kishoreganj	...	...	1	50—5—100
Tangail	...	...	1	100
Faridpur	...	...	1	50—5—100
Madaripur	...	...	2	50
Barisal	...	...	1	50—5—100
Jhalakati	...	...	1	50—5—100
Pirojpur	...	...	1	50—5—100
Chittagong	1	150—10—300	2	50—5—100
Noakhali	...	...	1	50—5—100
Comilla	...	...	1	50—5—100
Brahmanbaria	...	...	1	50—5—100
Chandpur	...	...	1	50—5—100

By the Hon'ble MR. AMINUR RAHMAN :—

LV.

(*a*) Is it a fact that in the Howrah Local Board, out of the total number of nine members, there is only one Muhammadan member and the remaining eight are Hindus? Howrah Local Board.

Questions and Answers.

(*b*) Is it a fact that at the last nomination a large number of influential local people, both Hindus and Muhammadans, including some Hindu Vakils and Zamindars, petitioned the Magistrate to nominate a second Muhammadan to the said Local Board?

(*c*) Will the Government be pleased to state why the Subdivisional Officer still did not nominate another Muhammadan to the said Local Board?

(*d*) Are the Government considering the desirability of increasing the number of Muhammadan members on the said Local Board?

Answer by the Hon'ble MR. O'MALLEY:—

(*a*) Yes.

(*b*) A petition was forwarded by the Secretary of the Muhammadan Association proposing the appointment of a certain Muhammadan, who was found unsuitable.

(*c*) Government have no information about nominations made by the Subdivisional Officer. It is reported that another Muhammadan suitable for appointment was not available.

(*d*) No. The appointments have already been made by the Commissioner under section 11 of the Bengal Local Self-Government Act.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI:—

LVI.

Kala-azar in Eastern Bengal.

(*a*) With reference to the answer to my unstarred question No. IX of the 28th March, 1918, has any further inquiry been made regarding the prevalence of Kala-azar in Tangail? Is there any special treatment for the disease? If so, what arrangements have been made at the charitable dispensaries in the mufassal for this special treatment?

(*b*) Has any further inquiry been made regarding the prevalence of Kala-azar in Eastern Bengal and what preventive measures, if any, have been taken?

Answer by the Hon'ble MR. O'MALLEY:—

(*a*) It is reported that since August, 1917, 229 cases of Kala-azar have been treated at dispensaries in the Tangail subdivision, and that the latest treatment of intravenous injections of antimony has been given.

(*b*) No special enquiry has been made, but Government will consult the Sanitary Commissioner on the question of making one. So far as Government are aware, preventive measures, which are a matter for local bodies, have not been taken.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI:—

LVII.

Charitable Ayurvedic dispensaries.

(*a*) Are there any charitable Ayurvedic dispensaries in Bengal which are maintained or subsidised by Government or Municipal or District Board funds?

(*b*) Is it a fact that, in some other provinces, Ayurvedic charitable dispensaries are maintained by District Boards?

Answer by the Hon'ble MR. DONALD:—

"(*a*) No Ayurvedic dispensaries are maintained or subsidised by Government or maintained by any local bodies in Bengal. The only local body which subsidises such a dispensary is the Calcutta Corporation, which has recently sanctioned an annual grant of Rs. 2,500 to the Astanga Ayurveda Vidyalaya.

(*b*) Government have no information."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI:—

LVIII.

Will the Government be pleased to make a statement showing the number of applications received up to date for permission to manufacture salt in Bengal, the purport of such applications, and the places of the proposed manufacture in each of the cases of those whose applications have been granted? Manufacture of salt.

Answer by the Hon'ble MR. DONALD:—

"A statement giving the desired information is laid on the table."

Statement referred to by the Hon'ble MR. DONALD, *in his answer to question No. LVIII (unstarred) asked by the Hon'ble* BABU BROJENDRA KISHOR RAY CHAUDHURI, *at the Council Meeting of the 19th August, 1918, showing the applications received up to date for permission to manufacture salt.*

No.	Names of applicants.	Purport of applications.
1.	Surendra Chandra Ghoshal and Digendra Chandra Ghoshal, Merchants, Chittagong.	Applied for a license to manufacture salt on reasonable terms.
2.	Mohendra Chandra Ghosal and others, salt merchants, Chittagong.	Applied for a license to manufacture salt from sea-water on payment of the requisite fees and other charges and under such rules as may be framed by Government.
3.	Abdul Barik Haji, Sandip, Noakhali.	Asked for permission to manufacture and sell salt at Sandip, Char Badu, Char Siddhi and other places, on an agreement for ten years on payment of duty of Rs. 1,000 annually.
4.	Mr. P. C. Dass, retired Sub-Deputy Collector, Cox's Bazar, Chittagong.	Asked for permission to manufacture salt experimentally from salt earth, sand and saline ashes for a period of six months, on payment of duty and under the supervision of the existing Preventive Staff.
5.	Mr. Glen George	Applied for a license to manufacture salt from sea-water on payment of duty in the Midnapore district.

The applicants in cases Nos. 1 and 2 were asked to re-examine their proposal in consultations with the Salt Department and have since given no further indications of their intentions. The third and fourth applications were rejected. It is proposed shortly to sanction the fifth application.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI:—

LIX.

Considering the very high rate of infantile mortality in Calcutta and other big towns of the Presidency, are the Government considering the desirability of organising a cheap supply of pure milk and also of the appointment of lady health visitors wherever such may be necessary? Supply of pure milk and Lady Health Officers.

Answer by the Hon'ble MR. O'MALLEY:—

"No. These are matters with which municipal authorities are primarily concerned.

Questions and Answers.

By the Hon'ble MR. AMINUR RAHMAN :—

Sibpur Engineering College.

LX.

(*a*) Will the Government be pleased to state, class by class, how many Muhammadan students are now studying in the Sibpur Engineering College?

(*b*) Will the Government be pleased to state what concessions and privileges there are to attract Muhammadan students to that branch of study?

(*c*) Are the Government aware that the Muhammadan students of the said college are put to great difficulty in regard to their food arrangements, and that they have to bear comparatively heavy expenses for it?

(*d*) Are the Government considering the desirability of relaxing the rule enjoining compulsory residence in the case of Muhammadan students and allowing them to live outside and attend the college?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) The numbers are—

Engineering Department—

1st year	2
2nd ,,	1
4th ,,	1

Apprentice classes, Sub-Overseer—

2nd year	1

Mechanical and Electrical—

1st year	2
3rd ,,	2

Mining—

3rd year	1

(*b*) The following concessions and privileges are enjoyed by Muhammadan students :—

(*1*) *Mess.*—Government has given a grant for mess furniture, cooking utensils, crockery, etc. In other messes the cost of these items falls on the students.

Government maintain a cook and a mess servant for the Muhammadan mess thus relieving them of establishment expenses that are borne by the students in other messes.

Government pay to each resident Muhammadan student a monthly stipend fixed at a value calculated to reduce the *per capita* cost of their messing to about the same figure as in the Hindu students' mess.

(*2*) *Scholarships and reduced fees, Engineering Department.*—There are four Mohsin scholarships of Rs. 10 each available for Bengali Muhammadans; there are only four students in the Department.

Apprentice Department.—100 *per cent.* of the Bengali Muhammadan students are on a reduced scale of fees, equivalent to a stipend of Rs. 10 monthly.

There is also one Mohsin scholarship of Rs. 5 in the Sub-Overseer class for Bengali Muhammadans and the Sibpur College shares with the Dacca School of Engineering another Mohsin scholarship of Rs. 5.

There is also one Elliot scholarship of Rs. 6 monthly.

(*c*) No.

(*d*) No."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXI

(*a*) Are the Government considering the desirability of postponing the Bengal Village Self-Government Bill till it has been examined with reference to the principles laid down in the recent Government of India Resolution on Local Self-Government and the Report on the Indian Constitutional Reforms? The Bengal Village Self-Government Bill.

(*b*) Are the Government aware of a feeling among the public that such a piece of legislation should not be undertaken till the larger issues raised by the Report on Indian Constitutional Reforms are settled?

Answer by the Hon'ble MR. O'MALLEY :—

(*a*) No.

(*b*) No.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXII

(*a*) Are the Government considering the desirability of appointing a committee of officials and non-officials to consider and suggest suitable measures of reform in accordance with the principles laid down in the Government of India Resolution on Local Self-Government, dated the 16th May, 1918. Appointment of Committee on Local Self-Government.

(*b*) Are the Government aware that such a committee has been recently appointed in the United Provinces?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) No. The resolution is under consideration and it has not yet been decided what action shall be taken on it.

(*b*) No".

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXIII

Are the Government considering the desirability of— Sibpur and Dacca Engineering Colleges.

(*a*) co-ordinating the rules and regulations, courses of study and examinations of the Sibpur Apprentice Department, and the Dacca School of Engineering; and

(*b*) removing all inequalities in the matter of status and the prospects of teachers of these two institutions, and in the matter of appointments and other privileges of the students thereof?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) No. The present rules and regulations are based on the recommendations of the heads of the two institutions. The courses of study have been co-ordinated so far as they cover the same ground.

(*b*) No. There is no inequality of prospects between teachers of equal status on the two staffs. The students have equal opportunities of training under the Public Works Department and equal chances of appointment to that Department."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXIV

Inspection of schools by the Inspectress of Schools, Presidency and Burdwan Divisions.

In view of the reply of Government to clauses (*d*) and (*e*) of my starred question No. 2 of the 14th March, 1918, will the Government be pleased to state—

(*i*) whether, when visiting the sadar town schools, the Officiating Inspectress of Schools has required the attendance of the Deputy Inspectors, notwithstanding the fact that there were already two Assistant Inspectresses with her:

(*ii*) whether Miss Brock, the permanent incumbent, ever took, on any ground, the Assistant Inspectress of Schools for *zenana* work and Muhammadan education, to Hindu schools? If not, why has the Officiating Inspectress to do so?

Answer by the Hon'ble MR. O'MALLEY :—

"(*i*) The Officiating Inspectress of Schools, Presidency and Burdwan Divisions, has rarely required any Deputy Inspector of Schools to accompany her to sadar town schools. In some instances, however, Deputy Inspectors of Schools have come to these schools of their own accord to see the Inspectress of Schools.

(*ii*) Miss Brock, the permanent Inspectress, used to take the Assistant Inspectress for Zenana work and Muhammadan Education with her to Hindu schools when she intended to visit a maktab or zenana agency immediately after finishing her work in a Hindu school, or in some cases when she had to consider the desirability of opening a zenana agency or a Muhammadan school in the place where a Hindu school is situated. The same practice is followed by Miss Bose, the officiating Inspectress."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXV

The mechanical and electrical course at Dacca.

(*a*) Regarding the abolition of the mechanical and electrical branches of the overseer course at Dacca, owing to the paucity of students, has the attention of Government been drawn to a statement made by the Principal, Civil Engineering College, Sibpur, in his last annual report that the great industrial development the war has caused has produced an insatiable demand for mechanical and electrical engineers and that this has been evident at Sibpur by an annual rush of applicants for admission to mechanical engineering and mining classes?

(*b*) In view of the situation created by the war, as stated in the annual report of the Sibpur College referred to above, are the Government considering the desirability of reconsidering their decision regarding the discontinuance of the mechanical and electrical course at Dacca?

Answer by the Hon'ble MR. O'MALLEY :—

(*a*) The Principal has stated in his last annual report that the demand for electrically and mechanically trained men is increasing fast and that there has been an unusual rush of applicants for the mechanical and electrical and mining classes.

(*b*) No."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

LXVI

Septic tanks near the Ganges.

Will the Government be pleased to lay on the table a statement containing—

(*i*) the list of septic tanks from which night-soil is discharged into the Ganges water,

Questions and Answers.

(*ii*) the total number of operatives now employed by each mill having septic tank installation, and

(*iii*) the names of villages and municipalities within whose jurisdiction they are located?

Answer by the Hon'ble MR. O'MALLEY :—

"A statement is laid on the table showing :—

(*i*) the septic tanks of which the effluent discharges into the Hooghly ;

(*ii*) the number of operatives employed by each mill having septic tanks ; and

(*iii*) the places where they are situated.

No septic tank discharges night-soil into the river."

Statement referred to by the Hon'ble MR. O'MALLEY, *in his answer to question No. LXVI (unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council Meeting of the 19th August, 1918.*

List of septic tank installation of which the effluent discharges into the Hooghly.

Names of septic tanks.	Average daily number of operatives employed in mills having septic tank installations.	Names of places within which situated
DISTRICT HOOGHLY.		
(1) Hastings Jute Mill	6,797	(1) Rishra-Konnagar Municipality.
(2) Wellington Jute Mill ...	4,543	
(1) Champdani Jute Mill ...	3,797	(2) Baidyabati Municipality.
(1) North Shamnagar Jute Mill ...	5,265	(3) Bhadreswar Municipality.
(2) Victoria Jute Mill, No. I ...	4,705	
(3) Victoria Jute Mill, No. II ...	2,481	
(1) Northbrook Jute Mill ...	3,057	(4) Champdani Municipality.
(2) Dalhousie Jute Mill ...	2,031	
DISTRICT HOWRAH.		
(1) Septic tank at third class Passenger Shed, Howrah.		(1) Howrah Municipality.
(2) Septic tank at Howrah General Hospital.		
(3) Central Jute Mill	3,804	
(4) Burn & Co.'s Workshop ...	3,920	
(5) Ganges Jute Mill, No. I ...	4,434	
(6) Ganges Jute Mill, No. II ...	5,358	
(7) Jessop & Co.'s Workshop ...	800	
(8) East Indian Railway Coal Yard.		
(9) East Indian Railway New Goods Shed.		
(1) Bally New Jute Mill ...	4,151	(2) Bally Municipality.
(2) East Indian Railway Engineering Works, Lillooah ...	4,182	
(3) Baranagore Jute Factory.		
DISTRICT 24-PARGANAS.		
(1) Bengal Cotton Mill ...	3,476	(1) Garden Reach.
(2) Clive Jute Mill, No. I ...	3,025	
(3) Clive Jute Mill, No. II ...	3,005	
(4) Hooghly Mills Co., Ld. ...	3,458	

Questions and Answers.

Names of septic tanks.	Average daily number of operatives employed in mills having septic tank installations.	Names of places within which situated.
(5) Desi Cotton Mill ...		Amalgamated with Bengal Cotton Mill.
(1) Ralli Brothers' Jute Press ...	1,925	(2) Cossipore-Chitpur Municipality.
(1) Baranagore Jute Mill, North ...	3,148	(3) Baranagore Municipality.
(2) Baranagore Jute Mill, South ...	5,305	
(3) Baranagore Jute Mill, East ...	3,057	
(4) Gun and Shell Factory, Cossipore	5,859	
(1) Kamarhati Jute Mill, No. I ...	3,441	(4) Kamarhati Municipality.
(2) Kamarhati Jute Mill, No. II ...	4,802	
(1) Khardah Jute Mill, No. I ...	4,650	(5) South Barrackpore Municipality.
(2) Khardah Jute Mill, No. II ...	5,223	
(1) Gun and Shell Factory, Ishapore	6,649	(6) North Barrackpore Municipality.
(2) Rifle Factory	4,523	
(1) Kinnison Jute Mill, No. I ...	5,291	(7) Titagarh Municipality.
(2) Kinnison Jute Mill, No. II ...	2,751	
(3) Standard Jute Mill ...	3,974	
(4) Titaghar Jute Mill, No. I ...	5,968	
(5) Titaghar Jute Mill, No. II ...	7,002	
(1) Gouripur Jute Mill, No. I ...	4,012	(8) Naihati Municipality.
(2) Gouripur Jute Mill, No. II ...	5,491	
(1) Reliance Jute Mill ...	6,570	(9) Bhatpara Municipality.
(2) Upper Anglo-Indian Jute Mill	3,629	
(3) Middle Anglo-Indian Jute Mill	5,243	
(4) Lower Anglo-Indian Jute Mill	3,065	
(5) South Alliance Jute Mill ...	2,791	
(6) North Alliance Jute Mill ...	2,865	
(7) Auckland Jute Mill ..	2,726	
(8) Shamnagar Jute Mill, No. I ...	4,257	
(9) Shamnagar Jute Mill, No. II ...	1,822	
(10) Kankinarah Jute Mill, No. I ...	3,736	
(11) Kankinarah Jute Mill, No. II ...	4,103	
(1) Indo-Burmah Oil Co.'s Depôt ...	300	(10) Budge-Budge Municipality.
(2) Asiatic Petroleum Co., Ld. ...	939	
(3) Calidonian Jute Mills ...	3,612	
(4) South Union Jute Mill ...	3,890	
(1) National Jute Mill (Sankrail)	[illegible]944	(11) Howrah district outside Municipal limits.
(2) Fort Gloster Jute Mill. No. I ..	[illegible],655	
(3) Fort Gloster Jute Mill. No. II ...	4,413	
(4) Lawrence Jute Mill (Chakasi)	4,273	
(5) Delta Jute Mill (Manikpur) ...	4,429	

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

LXVII.

Chairman of the Kalna Municipality.

(*a*) Is it a fact that Babu Kumud Behari Mullick, Subdivisional Officer of Kalna, in the district of Burdwan, exercised his official influence to secure the election of Babu Jogesh Chandra Mitter, Sub-Registrar of Kalna, as Chairman of the Kalna Municipality?

(*b*) Is it a fact that Babu Kumud Behari Mullick, Subdivisional Officer of Kalna, asked the Rev. Dr. E. Muir, M.D., of the Kalna Mission, to exercise influence with his assistant, who is a Municipal Commissioner of Kalna, to support the election of Babu Jogesh Chandra Mitter as Chairman of the Kalna Municipality, and that the reverend gentleman refused to do so?

(*c*) Is it a fact that Babu Jogesh Chandra Mitter was elected Chairman of the Kalna Municipality and that the District Magistrate of Burdwan, in deference to public opinion, refused to permit him to act as Chairman?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"(a) From an inquiry made by the District Magistrate it appears that it is not a fact.

(b) Government are informed that the Subdivisional Officer had no talk or correspondence with the Rev. Dr. Muir on the subject of the candidature of Babu Jogesh Chandra Mitter.

(c) Babu Jogesh Chandra Mitter, who is Sub-Registrar of Kalna, was elected Chairman of the Kalna Municipality. The Commissioner was of opinion that he should not serve as Chairman as he would thereby be brought into conflict with party factions at Kalna to the detriment of the proper discharge of his official duties. Babu Jogesh Chandra Mitter was accordingly called upon to resign the office of Chairman and did so on 13th July, 1918.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXVIII.

Will the Government be pleased to explain the preventive and remedial measures that are usually adopted by the Government at the outbreak of such diseases as cholera, small-pox and plague in the rural areas? Remedial measures regarding epidemics.

Answer by the Hon'ble MR. O'MALLEY :—

" The responsibility for the prevention of epidemic diseases in rural areas rests with the District Boards. When an outbreak of small-pox occurs, the Civil Surgeon deputes licensed vaccinators to vaccinate the people of the affected area, and, when necessary, the Sanitary Commissioner deputes an officer to advise and report. When there is an outbreak of plague (which is fortunately rare) the District Magistrate, in consultation with the Civil Surgeon, deputes medical officers to treat patients, to arrange for the disinfection of houses and to inoculate any persons who are willing to be inoculated : the Sanitary Commissioner also deputes an officer to advise the local officers and report to himself on the action taken. In other cases District Boards take action to prevent the spread of epidemic disease by deputing medical officers, disinfecting sources of water-supply, etc., and the Sanitary Commissioner, when necessary, deputes officers to advise and report."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXIX

(a) Have the Government any definite policy of sanitary development in rural areas? District Health Officers.

(b) How far has the appointment of District Health Officers helped in tackling the problem of rural sanitation?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) Yes.

(b) Only one District Health Officer has so far been appointed and it is too early yet to say how far this measure has helped to solve the problem of rural sanitation."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXX.

(a) Are the Government aware that the largest number of cases of cattle poisoning and of flaying cattle alive occur in the district of Midnapore? Cases of cattle poisoning, etc. in the district of Midnapore.

(b) Are the Government aware that there has recently been a recrudescence of these crimes in Midnapore, particularly in the police-station of Patashpur?

(c) What action has been taken for the suppression of these crimes since attention was drawn to their prevalence in this Council in July 1917?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"(*a*) As shown in the statement which was laid on the table on the 3rd July, 1917, Midnapore between 1912 and 1916 had a higher annual average of these cases than any other district. Figures for 1917 are not yet available for all districts.

(*b*) Six cases of cattle poisoning were reported in Midnapore in 1917, as compared with an annual average of 18 in the previous five years. No cases of flaying cattle alive have occurred since the 1st January, 1917.

In Patashpur, no case of cattle poisoning has been reported since 1912. One case of flaying cattle alive was reported in 1916, but it was not detected.

(*c*) As the number of cases is not numerous and has shown a decline in recent years, no special measures have been taken to deal with them."

By the Hon'ble RAI SRI NATH RAY BAHADUR :—

LXXI.

Booking of specie on the Eastern Bengal Railway.

(*a*) Will the Government be pleased to state if booking of specie has been stopped on the Eastern Bengal Railway?

(*b*) Are the Government aware that this has caused much alarm among the merchants and particularly those who have jute business in East Bengal?

(*c*) Are the Government considering the desirability of removing the restriction altogether or at least on all local bookings of specie during the jute season?

Answer by the Hon'ble MR. DONALD :—

"(*a*) Yes.

(*b*) Government are aware that the restriction has caused a certain amount of inconvenience.

(*c*) The restriction was imposed by the Government of India, and the question of its removal is one for that Government."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXXII.

The Head Master of the Manikganj High English School.

(*a*) Is it a fact that since the appointment of the present Head-master of the Manikganj High English School, several teachers have left service or gone on long leave, and that as a result the efficiency of teaching has been very much affected? What has been the number of resignations of teachers during each of the last 5 years?

(*b*) Is it a fact that at the last Matriculation examination, the success of the Manikganj High English School has been very poor, as compared with the results of previous years?

(*c*) (*i*) How many students from the Manikganj High English School appeared at each of the last five Matriculation examinations?

(*ii*) How many of them came out successful; and

(*iii*) in what division were they placed each time?

(*d*) (*i*) Is it a fact that there has been of late a large number of transfers of students from the Manikganj High English School?

(*ii*) What has been the number of such transfers during each of the last five years?

Questions and Answers.

(*e*) Is there any rule prescribing a regular audit of school accounts? If so, was the rule observed by the present Head Master of the Manikganj High English School?

(*f*) Is it a fact that the accounts were submitted by him only after repeated requests and that the auditor made certain remarks regarding the accounts? If so, will the Government be pleased to state the purport of these remarks and what notice, if any, has been taken of the audit note by the Inspecting Officers, Subdivisional Officer or the Magistrate?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Government are not in possession of the information asked for.

(*b*) Yes.

(*c*) It is reported that that figures are as follows :—

	Sent up.	Passed.			Total
		1st Division.	2nd Division.	3rd Division.	
1913-14	22	4	14	2	20
1914-15	27	14	11	...	25
1915-16	22	5	7	2	14
1916-17	27	16	8	1	25
1917-18	21	6	3	1	10

(*d*) Government are not in possession of the information asked for.

(*e*) There is a rule that monthly audited accounts shall be presented at the next meeting of the Managing Committee. This rule does not appear to have been regularly observed.

(*f*) This appears to have been the case. The audit note is under consideration by the Inspector of Schools, to whom it was forwarded by the Subdivisional Officer, and presumably any action required will be taken by the School Committee. In these circumstances Government see no reason to state the purport of the auditor's remarks. Government are not aware that the District Magitrate has been addressed in the matter."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

LXXIII.

With reference to the answer to my unstarred question No. XVIII of the 3rd July, 1917, will the Government be pleased to state what progress has been made in the Grand Trunk Canal project, and in what specific manner it will benefit each of the districts of the Dacca Division, particularly in the way of opening choked-up waterways? Improvement of waterways in the Dacca Division.

Answer by the Hon'ble MR. COWLEY :—

"The financial aspect of the Grand Trunk Canal project is at present engaging the attention of this Government. This project contains no provision for opening choked waterways in the Dacca Division; but, as already intimated in the answer given to the Hon'ble Member's unstarred question No. XVIII at the Legislative Council meeting of the 3rd July, 1917, it will afford a safer navigable route than the present one and will, to an appreciable extent, shorten the steamer route between all districts of the Dacca Division and the Port of Calcutta."

Questions and Answers.

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :-

Admittance of students at the Presidency and Dacca Colleges.

LXXIV

(a) Will the Government be pleased to state what principles, if any, have been followed at the Presidency and the Dacca Colleges, respectively, in the matter of admitting students to the first and third year classes at the present session?

(b) Is it a fact that Mr. Turner, the Principal of the Dacca College, has arbitrarily excluded candidates from admission who have passed the matriculation examination from certain schools at Dacca and in the villages, on the ground that students of these institutions are not amenable to discipline?

(c) Is it also a fact that Mr. Turner has been rude in his behaviour towards gentlemen who happened to accompany their wards to get them admitted into the Dacca College?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) The principles are as follows :—

Presidency College.

(1) *First year.*—The following objects are kept in view :—to avoid overcrowding, especially in the English and each of the Science classes ; to secure the requiste proportion of Muhammadans ; to allot a fair share of places, in accordance with old custom, to suitable candidates from the Hindu and Hare Schools ; to give weight to the merit of the applicants. as shown by their place in the list, while not forgetting special claim to consideration, *e.g.*, family connexion with the College, and the public services of an applicant's family.

(2) *Third year.*—Applicants who pass the Intermediate examination from the Presidency College are regarded as having a prior claim. Their claims having received consideration, the same principles are followed as in the case of the first year.

Dacca College.

First year.—In the first place consideration is given to Muhammadans who have matriculated in the First Division and steps are taken to ensure that 25 per cent. of vacancies are given to Muhammadans, then suitable matriculates are taken from the Dacca Collegiate School. Armanitola High School and other local schools ; next, candiates from schools in the Dacca Division, who are willing to reside in the College hostels, are admitted ; family connection with the College and relationship to local Government officers constitute, in all cases, special claims to consideration.

Third year.—All students who have passed the Intermediate examination from Dacca College are admitted ; with regard to the admission of students who have passed from other Colleges, the same principles are observed as in granting admissions to the first year class.

(b) It is not a fact.

(c) It is not a fact."

LEGISLATIVE BUSINESS.

LIST OF BUSINESS—ITEMS Nos. 3 to 6.

THE CHITTAGONG PORT (AMENDMENT) BILL, 1918.

The Hon'ble Mr. Cumming moved for leave to introduce a Bill to amend the Chittagong Port Act, 1914.

He said :—

" My Lord, I rise to beg leave to introduce a Bill to amend the Chittagong Port Act of 1914. The Bill is known as the Chittagong Port (Amendment) Bill, 1918.

The amendment proposed is very short and very simple. It is solely in the interests of the port and is non-contentious ; and it has already received the approval of the Government of India and the Secretary of State. The relief suggested is also very urgent. Hon'ble Members will see that in the agenda it is proposed to take the Bill into consideration at the present stage, and intimation of this has already been given by the publication of the Bill in the Gazette of the 7th August and by the circulation of copies of the Bill to each Hon'ble Member of this Council. It will, therefore, be convenient if, when introducing the Bill, I explain very shortly the change proposed and the urgent necessity for the same.

Section 58 of the Chittagong Port Act, 1914. gives to the Port Commissioners power to impose river dues on all goods landed or shipped. Sub-section (2) of that section imposes a maximum of 4 annas a ton. In connection with certain subsidies given to the port by Government, the Government of India had suggested that this maximum should be removed ; and apart from that, the Port Commissioners themselves have desired that this maximum should be removed and, in view of the unsatisfactory conditions of the finances of the port, that the river dues which are at present levied at a maximum of 4 annas a ton should be increased. The commercial community of Chittagong, as I have ascertained recently from my visit there, also realise the propriety of increasing without delay the revenues of the port by means of the river dues ; and, finally, Sir George Buchanan, in his recent report on the development of the port of Chittagong, which was received by this Government after measures for the abolition of the maximum river dues had been initiated, has recommended that the Chittagong Port Act be immediately amended and the limitation to a specific sum be deleted from the Act.

" These, Sir, are considered sufficient reasons for amending the Act, and they also explain the urgency of the measure which is now before the Council. Hon'ble Members will, I am sure, at the same time, appreciate that the abolition of this limitation is quite distinct from the determination of what rate per ton will hereafter be considered appropriate for the conditions of Chittagong. Such a determination is naturally and primarily a matter for the consideration of the Port Commissioners themselves.

It is proposed to attain the required object in the proposed Bill by the omission of sub-section (2) of this section 58, which contains the limitation of 4 annas per ton ; and there is a consequential amendment in sub-section (3) insomuch as there is therein a reference to the existing sub-section (2.)

On the ground, therefore, of simplicity, of urgency and of the absence of controversy, I think there is good justification for asking Your Excellency, as I shall shortly do if the present motion be accepted, to suspend the rules of business and permit the Bill to be taken into consideration at once. It may be suggested that much more than the abolition of the existing limitation as regards river dues requires to be effected in connection with the development of the port of Chittagong : that is quite true ; but the fact that other

The Chittagong Port (amendment) Bill, 1918.

Mr. Cumming ; The President ; Mr. Martin.

forms of relief are required, should not preclude the grant of this relief in the shape of the removal of the statutory limitation which could be granted without delay."

The motion was put and agreed to.

The Hon'ble Mr. CUMMING also moved His Excellency the President to suspend the Rules of Business to admit of the Bill being taken into consideration.

The PRESIDENT having declared the rules suspended, the Hon'ble Mr. Cumming moved that the Bill be taken into consideration.

The Hon'ble MR. MARTIN said :—

"My Lord, the Bill before the Council to-day has been framed for the purpose of removing a defect or at least an anomaly in the Chittagong Port Act of 1914. When that Act was framed no one could be expected to anticipate the calamity of a world-war and the strain which would be put upon the finances of the port by the loss of revenue resulting from shortage of tonnage. The strain has been so great that we are faced to-day with a situation which makes it imperative that the limit of 4 annas per ton River Due imposed by the existing Act be removed forthwith, and that the rate be increased as soon as possible.

Speaking for the Commercial Community of Chittagong I may say that this is looked upon as inevitable and the necessity is recognised, so that there need be no hesitation in passing the enactment now before us.

And now, with your permission, my Lord, I should like to say a few words on the position generally.

I have had the honour to sit in this Council as representing the Port of Chittagong since the year 1916, and though I have not sought to press the needs of our port on the attention of Government or the Council from my place here it is not because our needs have been met or that they have disappeared, but that Government have been fully advised of the situation in other ways.

I can assure this Council that if tireless and frequent representation could have accomplished it we should have a very flourishing port at Chittagong to-day, and we should not be in the position in which we now find ourselves of having to implore the Government of Bengal or the Imperial Government, or both, to save us from total extinction at a cost vastly greater than would have been necessary had we been listened to, as we had every right to expect to be, years and years ago. We have had the misfortune to be caught in the whirlpool of partition and repartition, of having to plead our cause with a new Government, and just as we had managed to convince them, of having to begin all over again with another—an uphill task, if ever there was one.

Lest it be thought even now that the port of Chittagong, if developed, will serve only the interests of a few merchants who happen to be established there, and that we are presumptuous in a claim for development and expansion by means of funds from the public Exchequer, it is only necessary to say that the Port is the natural doorway serving a tract of country some 80,000 square miles in area, much of it as densely populated as any in India. It is fitting that this should be brought to mind here in Dacca, for Chittagong is without a doubt the proper and legitimate port for this vast and wealthy province of Eastern Bengal. If further argument is necessary, I need only refer to the potentialities of development represented in the Assam-Bengal Railway.

The Chittagong Port (amendment) Bill, 1918.

Mr. Martin.

Without a port at its terminus this Railway is so severely handicapped that instead of being a paying concern as it should be, it remains a burden on the State.

My Lord. we have now reached a crisis in our affairs. Conditions in the Kornaphuli river are so bad that the port is menaced with becoming closed to ocean traffic and this I need hardly remind you means bankruptcy and ruin. It means the abandonment of all the valuable works with which the port has been provided at a cost of enormous sums of public money. I am not an expert in these matters, but I do not think I am wrong in saying that if the silting up of the river is allowed to continue it will be impossible to get it in hand later on.

I have already indicated that this terrible state of affairs might have been prevented had action been taken years ago, but do not let us think of that now. Let the situation be faced and the remedy found, whatever the cost may be. The investment will be large, but even now it will be sound. I do not speak without authority in this. Sir Francis Spring in 1914 and Sir George Buchanan this year were eloquent and unanimous in their opinions as to the paramount necessity of rendering the port navigable, and the beneficial development which will result therefrom.

They have pointed out the way in which this may be carried out and I think it will be agreed that the opinions of these two gentlemen represent the greatest weight of authority which can be brought to bear on the subject of port development in India to-day.

The economic welfare of a country must be of necessity the first consideration of its governing authority, for without expansion of trade and commerce there cannot be expansion in any other direction.

Add to its opportunities for accumulating wealth and a community cannot fail to go ahead.

Surely it is for the Government to see that nothing is neglected which will increase those opportunities. Still more would it seem to be the duty of Government to see that the facilities which exist of bringing wealth and prosperity to the country are not allowed to go to ruin owing to neglect or apathy or procrastination.

Sir George Buchanan visited Chittagong with a mandate from the Imperial Government (Railway Department) to report on the condition of the port, and prospects of development. His report is a most valuable one and sets forth in the clearest possible language what should be done. The Hon'ble Member in charge has visited us quite recently and I take this opportunity of expressing to him on behalf of those I represent, our appreciation of his sympathetic recognition of our most urgent needs. The Port Commissioners and the Chamber of Commerce have been asked to address Your Excellency's Government in the matter and this has been done.

We are forced to ask for large sums of money in the shape of grants, as we are quite unable in our present financial position to undertake to repay or to meet the interest on loans. We ask for permission to undertake the most urgent works immediately. and we specially ask that provision of suitable dredging plant be made without delay. The difficulties are great, but if the need is really recognised, I feel confident that they can be overcome. Once more, my Lord, I would respectfully beg to impress upon Your Excellency the urgency of the matter. Further delay may mean disaster, and I appeal to Your Excellency and to Your Excellency's Government, on behalf of the many important interests which are involved, for all the assistance which it is in your power to give."

The motion was then put and agreed to.

The Chittagong Port (amendment) Bill, 1918; Resolutions.

Mr. Cumming; Babu Surendra Nath Ray; Babu Ambika Charan Mazumdar; Maulvi Abul Kasem.

The Hon'ble Mr. CUMMING moved that the Bill be passed.

The motion was put and agred to.

LIST OF BUSINESS—ITEM No. 7.

RESOLUTIONS

(under the Rules for the discussion of matters of general public interest.)

The following resolution which stood in the name of the Hon'ble Babu Surendra Nath Ray went by default owing to the Hon'ble Member being absent :—

This Council recommends to the Governor in Council that a Committee, consisting of the Hon'ble Mr. Stevenson-Moore, the Sanitary Commissioner to the Government of Bengal, Sir Nilratan Sarkar, KT., a representative of the Bengal Chamber of Commerce on the Bengal Legislative Council, and the Hon'ble Maulvi A. K. Fazl-ul-Haq, be appointed—

(1) to inquire into the complaints and allegations made by the persons interned in Char Lawrence and Kutubdia, and

(2) to inquire whether proper arrangements were made by Government for keeping the *détenus* in the same condition of life as they were accustomed to live.

LIST OF BUSINESS—ITEMS Nos. 8 and 9.

The following two resolutions which stood in the name of the Hon'ble Babu Ambika Charan Mazumdar went by default owing to the Hon'ble Member being absent :—

This Council recommends to the Governor in Council that the grant-in-aid rules, as approved in the Government of Bengal, General Department letter No. 408 Edn., dated the 25th February, 1918, be either withdrawn or so modified as to leave a substantial measure of independence to the School Committees.

This Council recommends to the Governor in Council that the powers given to the inspecting officers for supervising the promotions of pupils from one class to another and for selecting candidates for the Matriculation Examination be wholly withdrawn, such powers being vested in the Head Master subject only to the supervision and approval of the School Committee concerned.

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council that having regard to the rate at which houses can be rented in Darjeeling nowadays, the present rate of house rent allowed to Government servants drawing below Rs. 100 per month be raised to Rs. 20 per month.

He said :—

"My Lord, I do not think that I need say many words in commending this resolution to Your Excellency and to the Council for acceptance. The

Resolutions.

Maulvi Abul Kasem ; Mr. Donald.

facts are very simple. The house allowance granted to the assistants of the Bengal Secretariat who have to move to Darjeeling for the season was fixed many years back and house rent in Darjeeling has increased very much since then, and I am told that houses cannot be got, or proper accommodation secured for less than Rs. 20 a month in Darjeeling. It is very hard on the poor clerks drawing salaries of less than Rs. 100 to have to pay for their accommodation out of their salary, and not out of the house rent paid to them by Government. For a few months also they have to pay house rent in Dacca. I hope, my Lord, that this resolution will be accepted ; it will entail only a small increase in expenditure and it will relieve a very deserving number of Government servants who help to a very great extent in assisting those who carry on the administration of the country. With these few words, I beg to commend the resolution to the acceptance of the Council."

The Hon'ble MR. DONALD said :—

"My Lord, I do not think that the Hon'ble Member knows the position or has correctly stated the facts. The allowance which he speaks of is an allowance given to assistants for whom it is found impossible to provide accommodation in Government buildings. Rupees 25 a month is given to assistants drawing over Rs. 400, Rs. 20 to those drawing Rs. 100 and more, and Rs. 10 to those drawing less than Rs. 100. It is true we have accommodation in Darjeeling for, roughly speaking, about two-thirds of the assistants who go up, and so far there have been no complaints about the high rates of rent at Darjeeling. The solution surely is that junior assistants should be provided with free quarters and that senior assistants with their bigger allowances should be turned out. The Hon'ble Member says that they cannot get a house at less than Rs. 20 a month. I have got the actual figures. There were 48 assistants drawing less than Rs. 100 during this last hot weather ; 28 of them had free quarters and 20 drew house allowance. Of those who drew house allowances, three were actually paying less than Rs. 10 for their accommodation, 14 paid Rs. 15 and five paid more than Rs. 15. If we are going to give more than Rs. 10 as house allowance, the money will not go to the landlords, but to the clerks who will put it into their own pockets. Besides this house rent, the assistants are given other allowances ; a clerk whose pay is less than Rs 60 gets an allowance of Rs. 40, and a clerk whose salary is between Rs. 60 and Rs. 100 gets Rs. 50, so if they have to pay a few more rupees in house rent, it does not trench on their pay.

We have information also as regards the rents paid by the senior assistants and we find that they can get accommodation at the rates allowed to them by Government ; but in any case, their allowance, which is still more liberal, makes it easy for them to pay a little more than the amount which is allotted to them by Government as house rent ; and it is easier for them to do so than for the junior assistants.

Our proposal is to provide junior assistants with free quarters, and to allow senior assistants to look after themselves if they cannot find accommodation in Government quarters. It is on these lines that Government propose to work. They will look into the case further and make provision for the junior assistants in preference to the senior assistants. I think that this fairly meets the position of hardship to which the Hon'ble Member refers, and I think, in view of this, he will withdraw his resolution."

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, after the statement made by the Hon'ble Mr. Donald in reply to this resolution, I beg leave to withdraw it."

The resolution was then, by leave of the President, withdrawn.

Resolutions.

Maulvi Abul Kasem ; Mr. Donald.

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble MAULVI ABUL KASEM also moved the following resolution :—

This Council recommends to the Governor in Council that, having regard to the inconvenience caused to the junior assistants in Government service in journeying with menials and other lower class people, the Government of India be approached with a view to removing the restrictions imposed by Note 1 to Article 1011 of the Civil Service Regulations on these assistants and permitting them to travel by second class on the Darjeeling-Himalayan Railway.

He said :—

"My Lord, the note to Article 1011 of the Civil Service Regulations lays down that on all railways where there is no intermediate class accommodation, Government servants who are entitled to intermediate accommodation are allowed to travel second class, but the note to that article makes an exception in the case of the Darjeeling-Himalayan Railway. I do not know on what ground the Government of India excluded this railway from this concession and it is not necessary for me to draw attention in this Council to the fact that the assistants in the Secretariat have to travel third class on this line where there is no intermediate accommodation and that they have to travel with menials and low class persons, coolies and others travelling in the Darjeeling district, and altogether there is great inconvenience in doing so. There is to my mind no reason why the same concession should not be shown to the assistants of the Bengal Secretariat as is done to those Government servants in other parts of the country where they travel on lines where there is no accommodation for an intermediate class. It is a very small matter, and I think that the attention of the Government of India has only to be drawn to it, to remove this restriction, and I hope that my resolution will be accepted."

The Hon'ble MR. DONALD said :—

"My Lord, the exception made in the note to Article 1011 of the Civil Service Regulations, to which the Hon'ble Member refers, was made very many years ago. It was considered that that rule should apply to the ordinary railway systems of the country, and it was not the original intention to apply it to a special line like the Darjeeling-Himalayan Railway which is more of a tramway than a railway, and where the fares are very much higher than those of ordinary lines. Then again, the second class accommodation on ordinary lines usually secures sleeping accommodation during night journeys; but this is not the case on the Darjeeling-Himalayan Railway, where the journey from Siliguri to Darjeeling is performed in daylight and covers only five hours. Another point is that the second class accommodation on the Darjeeling-Himalayan Railway is very limited and it should be reserved for those who can afford to pay for it. These were the reasons which led to an exception being made in Article 1011 in respect of this railway. This was done many years ago, and the position is not different nowadays. But, after all, there is not much hardship to the junior assistants in travelling with menials and other low class people. There are about 50 assistants going up on or about the same day and they can easily arrange to occupy a carriage or at least a compartment among themselves. Then, again, the second class accommodation on the Darjeeling-Himalayan Railway is very limited, and if Government servants all go up together on one or two days in the second class, they will fill up all the second class accommodation available, and thus cause a good deal of inconvenience, particularly to ladies travelling with children, who usually travel up to Darjeeling at or about the same time as Government.

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In these circumstances, Government are not prepared to make any alteration in the note."

The Hon'ble MAULVI ABUL KASEM said :—

"I beg permission to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ moved the following resolution :—

This Council recommends to the Governor in Council that a school for teaching weaving and spinning on approved lines be opened at Dacca and other suitable centres in Bengal.

He said :—

"My Lord, it is now my turn to set the ball rolling so far as my resolutions are concerned. But before I take up the resolutions concerned, I wish to make a statement which, I am sure, will give something like a relief to my colleagues and certainly to those who have been charged with the duty of noting all our speeches—I mean the silent victims of our eloquence, the reporters, who are sitting over there. Certainly the attendance of the non-official members of the Council is most discouraging.............."

The PRESIDENT said :—

"Order, order. I do not quite see what bearing this observation has on the particular motion which the Hon'ble Member is now moving. I must ask the Hon'ble Member, when moving his resolution, to confine himself to the subject-matter of the motion itself."

The Hon'ble MAULVI A. K. FAZL-UL HAQ said :—

"My Lord, I was only giving vent to a feeling which was uppermost in my mind. I was going to submit that having regard to all the circumstances and to the attendance in this Council, I will not waste the time of the Council unnecessarily and try to be as brief as possible. And in return, my Lord, I expect a little sympathetic treatment so far as the resolutions are concerned, at the hands of the official members of the Council."

"My Lord, in moving this resolution I need hardly point out that the question raised by me in the resolution has acquired an unusual degree of interest in consequence of the high prices now prevailing of cloth and the consequent distress in the country. I need hardly say anything about a matter which is obvious, that before we could get our cloth we must have our own cotton, and we must have our own yarn. We must have our spinning machines and we must have our own weavers if not our own spinning mills. So far as the weaving question is concerned, there is at present at Serampore a fairly well-equipped weaving school, but as far as my information goes, there is no such school in this part of the country. If we look for a moment to the number of weavers in Dacca and adjoining districts as published in the census reports, we find that this part of the country is largely inhabited by persons who take to weaving as a profession and who have long been known for the skill with which they have carried on their profession in the past. To come to exact figures, I find from

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the latest documents I could consult, that in Dacca there are as many as 44,000 weavers, in Mymensingh 25,000, in Faridpur 26,000, in Bakarganj 23,000, making for the Dacca Division a total of 125,000 It is true that most of these weavers have taken to cultivation and have given up their hereditary calling for the very simple reason that weaving on approved lines is something that they do not know anything about, and it does not pay for the trouble as well as for the capital they spend for the purpose. The question, therefore, arises if something could not be done to induce these weavers, who have given up their hereditary profession, to go back to it and also to teach them improved methods so that they can compete with persons who have taken to produce cloth on approved principles, and to turn out a much better quality of cloth than uninstructed weavers can be expected to do. In this connection some attempts have been made by that useful association, known as the Bengal Home Industries Association, whose report for the year 1917-18 I have before me. It appears that in 1907 or thereabouts, the Director of Public Instruction wrote to the District Board, Dacca, asking for his opinion as to the desirability of opening a weaving school in this part of the country. The District Magistrate thereupon consulted several local gentlemen and somehow or other, they could not agree as to details or as to ways and means, and the final report that went up to Government was that there was very little prospect of a successful weaving school here. The matter was allowed to drop. Then about the end of last year a weaving expert was brought up by Mr. Hart from the Bengal Home Industries Association. This officer went round the chief weaving centres and suggested several methods; and upon the report of this expert the Principal of the Serampore Weaving School wrote to the Director of Public Instruction and he wrote to the Chairman of the District Board asking for a reconsideration of this question. I am not in possession of all the facts, but I am told that this question is in some shape before the Home Industries Association. I take it, therefore, that the importance of the question is realised and also the urgency, and the only problem before us is as to ways and means. I do not know if we have got all the officers necessary. If not, these must be secured before we can have a school on improved lines, but I think we can have something like administrative centres at suitable places like Dacca. Mymensingh, Faridpur and elsewhere. In this matter, I must respectfully ask Your Excellency's Government to take opinion and also direct attention in order that something might be done to give an impetus to an industry which is now fast dying out. It is no use concealing the fact that the weavers are desperately poor and weaving industry at least in Dacca is something which is a relic of the past. It is most regrettable that Dacca which was once regarded as a great weaving centre, one of the best in the world at one time, should now be reduced to such a position. I am only moving this resolution in order to ascertain in what light the Government looks at the question. Having regard to the urgency of the matter, I hope Your Excellency's Government will do all that is possible in the matter. With these few words I commend the resolution to the acceptance of this Council.'

The Hon'ble BABU KISORI MOHAN CHAUDHURI said :—

"My Lord, I fully support the views of the Hon'ble Member. The want of cloth is justly felt all over Bengal. Hand-loom industry cannot compete with power-loom but during the swadeshi movement it has been seen that though strenuous efforts were made, it did not succeed. At present the price has gone up so much that it has become a necessity, and I think if such schools be established in different centres at least where there is some need for it, it will help the poor classes to a very great extent. Everywhere in Bengal the hereditary weavers have taken to cultivation because it pays them more, but,

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as I submitted, the position at present is not so. If such schools be established and instructions either with the help of experts or by providing stipends in schools the art is taught, machines can be got on the hire-purchase system and at a cheap rate. I believe it can be done. In my district of Rajshahi there was a weaving school; there was room for improvement of *matka* cloth; an attempt was made to teach hand-loom work also, but somehow or other it had to be discontinued, but now as the necessity is very great, I think it can be safely revived with profit to the poor cultivator. I hope Government will see its way to do something for their relief in this direction. With these few words, I beg to support the motion."

The Hon'ble MR. O'MALLEY said :—

"My Lord, in replying to this resolution, I may be permitted, in the first place, to sketch briefly our existing organisation for instruction in up-to-date methods of weaving, and then to state what action Government propose to take in order to give further instruction and to help to resuscitate the industry.

We have already at Serampore the Government Weaving Institute to which the Hon'ble Member has referred. At this Institute instruction is given to two distinct classes, the first consisting of young men of good education who are likely to qualify as teachers, overseers, managers—in fact, young men who are likely to be organisers of the industry. The second class consists of those who are themselves weavers and their sons. The Institute also serves as a centre from which instruction is given to weavers through schools of weaving which have been established in different centres of the industry. The Hon'ble Member is, I think, unaware that there are some weaving schools in this part of the Presidency, there being two weaving schools at Cox's Bazar and at Tangail. There is also one at Malda and one in Pabna in Northern Bengal, and one at Bankura in West Bengal. Not only do young men receive training in these weaving schools as well as at the Weaving Institute at Serampore, but Government help them to set up business when they pass through their course, and give them advances for the purchase of looms and other accessories.

In spite of this, it is recognised that the use of the fly-shuttle loom and the adoption of up-to-date methods of weaving have not spread as fast as could be desired. It seems that the introduction and spread of up-to-date looms and up-to-date methods through the villages cannot be given full effect to by means of weaving schools at fixed centres. A scheme has therefore been prepared for peripatetic instructors who will go about the villages, demonstrating the use of the fly-shuttle loom to the weavers themselves, instructing them in preparing their yarn before the actual process of weaving is begun, and also assisting in creating weavers' co-operative societies. It is hoped that these instructors will succeed in getting fly-shuttle looms adopted more rapidly than at present, and that they will help to create a greater demand for instruction in modern methods. If this is the case, the attendance in weaving schools will rise, and the number of schools will have to be increased. One such peripatetic instructor has already been appointed in the Burdwan district and there has already been a fair amount of success; a certain number of fly-shuttle looms have been bought by the weavers, and they are earning their livelihood. The Principal of the Serampore Weaving Institute is anxious to extend the system and has proposed that four more peripatetic instructors should be attached to the weaving schools at Tangail, Malda, Bankura and Pabna; the Managing Committees of all these schools are very anxious to have peripatetic instructors. Besides that, the Principal proposes that peripatetic instructors should be employed in districts in which no weaving schools are established. I understand that these men will work in the districts of Dacca, Noakhali and Khulna, as well as in Chittagong, where there is already a weaving

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school at Cox's Bazar." I think it will be recognised that this arrangement has a certain advantage, namely, that the villagers will be reached more easily than if there is a weaving school at a fixed centre. Again, in the districts in which we already have weaving schools, the work done by the schools will be brought home to the weavers, and I think the knowledge of the modern methods will be more easily disseminated in this way. The proposals of the Principal of the Government Weaving Institute at Serampore have not yet reached Government. They will shortly, however, be submitted by the Director of Public Instruction, and I can assure the Hon'ble Member that they will receive sympathetic consideration. That, my Lord, is one line of advance.

Another line of advance consists of the organisation of Weavers' Co-operative Societies. Mr. Hoogewerf, the Principal of the Serampore Institute, has been put on special duty to facilitate the production of hand-woven cloth in Bengal and generally to assist in the development of the industry. Mr. Donovan, the Registrar of Co-operative Societies, has for some months been busy organizing weaving societies and introducing spinning wheels: three ex-masters of weaving schools have been appointed inspectors for the inspection of these societies. A number of difficulties have to be met, *e.g.*, want of capital. want of yarn. want of an organized market. the indebtedness of the weavers and their conservatism. They are for the most part in the clutches of *mahajans* who are very unwilling to let them go. Many weavers will not work on certain days of the month—I believe they depend on phases of the moon—some weavers are unwilling to weave a longer or a wider piece of cloth than they have always woven, although it would pay them better. I believe. again, in Dacca and Mymensingh many weavers weave a kind of fine cloth which hardly pays them, and they are reluctant to weave a coarser cloth. However, already much has been done in the way of establishing co-operative societies. In Bankura, a number of these societies has already been organized. The Registrar of Co-operative Societies reports that the weavers there are trooping in to be organized in societies and he hopes that in six months' time he will have two to three thousand weavers at work. A similar programme has been undertaken in Pabna, and it is proposed to start organization almost immediately in Brahmanbaria and then in Midnapore and perhaps also in Hooghly and Kushtia, and to develop Jessore where we already have societies. In Barisal also the possibility of starting societies is to be looked into. In Dacca itself the Joint Registrar has been making enquiries for the purpose of organizing societies as soon as the views of the Committee which has been considering the question are known.

From what I have said, I hope it will be realized that Government have been taking steps for the development of the weaving industry. As I have already said, there are already several Government weaving schools. Then there is a scheme for supplementing the work which is being done in these schools by demonstration by peripatetic instructors in the villages. In districts where there are no weaving schools, it is not proposed to establish them but to meet the demand for practical instruction by peripatetic instructors. Besides this, there is the scheme for establishing weaving societies which will strengthen the weavers' position, produce greater efficiency and increase production. In view of this statement of what Government are doing and what it is proposed to do to meet the situation, I beg to suggest to the Hon'ble Member that it is scarcely necessary for him to press his resolution."

The Hon'ble SIR NILRATAN SARKAR said:-

"My Lord, I think it my duty to support the proposal moved by my hon'ble friend. Technical schools are generally opened on account of demands from factories for operatives. That is not the situation here. We know

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what the prevailing situation here is. Here we want cloth. There is a demand for it and it is increasing every year. The question whether the production of home industries can compete with the produce of factories does not arise: We know there is a large demand for home produce and I believe that with the help of the artistic faculties of the people which may be noticed by even the most superficial observer in the products of our home industries that they are bound to hold their own against the products of any number of factories. But the question before us may be looked at from another point of view. There is the consumer's point of view. We want more cloths and cheaper cloths if possible. There is another point of view. We want to give instructions to a lakh and twenty thousand persons of this district who or whose ancestors had been engaged in the trade of weaving for generations. There is no reason why their activities should be confined to agriculture or some such profession. And to do that we must train them in these particular lines. And what is the method? That is the question—whether there is a necessity for training these men. The Hon'ble Mr. O'Malley has said that the Government have been doing their best towards this direction. In fact, he has accepted the programme of the Hon'ble Maulvi Fazl-ul-Haq. He said that the Government does not only admit the necessity of inspecting instructors but that they have actually employed them, and that the latter are going about the country. We appreciate this activity on the part of the Government. As regards the existence of co-operative societies, we certainly welcome them with our whole heart. But we still demand that there should be some institution here permanently interested in the promotion of the weaving industry in this part of the province. So far as the circumstances are concerned, they are here more favourable than at Serampore. I cannot conceive of any difference in circumstances. On the other hand if there be any difference at all, it is all in favour of Dacca. We want that, like Serampore, this place should be a scene for the promotion of weaving as an industry in the homes of the weavers of this division. My Lord, it may be urged what is the necessity of this school? Why should not these boys take their training as apprentices? They do so at the present moment. As many of them can join the weavers, do so as apprentices, but only a very small number of them can be admitted in this way. Then there is another point. They cannot receive the best training as apprentices. It is that the industry cannot be carried on simply with the ordinary appliances that are used in home industries. Appliances are to be improved. In fact it is the hand-cum-machine system which is the most effectual. I do not mean huge pieces of machinery. I mean that isolated looms or a large number of them can be run at a very small expenditure by machinery. These are the things in which they are to be trained. It is quite possible to give them instruction in mechanical knowledge as well as in the knowledge of weaving, and I think that a school in this connection can go a long way in helping the development of the industry in Bengal. I do not see any reason why Government should refuse to accept this resolution. Government recognized the necessity, we all feel the necessity of promoting this industry and the Government have already taken steps to introduce weaving on a very extensive scale in many parts of Bengal. We appreciate these activities. And here is a proposal which will further help the promotion of the industry in this district and I hope that Government will kindly accept the resolution."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I support the motion of my hon'ble friend Maulvi Fazl-ul-Haq. In doing so I will only say this. At the present time the necessity of introducing weaving and spinning has been proved by the fact that the price of cloth has risen so high that it means great hardship to the poorer classes of the people. The Hon'ble Mr. O'Malley has given a very interesting description of

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the steps that have been taken by Government to foster this industry. But, my Lord, I do not quite follow what he means by peripatetic instructors. Of course I know the meaning of the word "peripatetic", but to my mind it seems that if the number of such instructors are increased and if they are sent, having regard to the present needs of the country, to all parts of Bengal, it will be of considerable help to the country. I do not know whether peripatetic instructors include female instructors also. My impression is that in the families of the poorer middle class, the ladies of the house would be glad to have instructions for the preparation of home-made cloths for their own use and if Government will help them by placing female instructors at their disposal a great service will be done to the country. As regards the immediate necessity of starting weaving and spinning schools at Dacca and other places, I do not know much, and perhaps my friends are in a better position to know it. But what I feel is this: that 75 per cent. of the people do not know that peripatetic instructors are available, but if this fact is more widely known and the number of instructors are increased, a great service would be done to the country, I am sure"

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, I am much obliged to the Hon'ble Mr. O'Malley for the very lucid manner in which he has explained to us the Government position and I do not think there is any one amongst the non-official members of this Council who would fail to appreciate what the Government have done and are doing in regard to the improvement of the weaving industry in Bengal. At the same time I confess that I feel a little bewildered when I come to consider what attitude I should take up so far as this recommendation is concerned. I cannot get rid of the impression that the efforts that are now being made by Government and others are of a somewhat transitory character. The present distress prevailing in the country has no doubt induced many of us to think of bringing about some sort of improvement in the weaving industry and if I may respectfully say so, has also stimulated the Government to a more than usual spell of activity. But, after all, these efforts must be short-lived. After the present circumstances have passed away, there may come a time when we will slip back into our usual lethargy and I do not think that there is any guarantee that all the efforts that are being made will lead to any permanent result. I therefore fully agree with the Hon'ble Sir Nilratan Sarkar that the establishment of a weaving school at Dacca would be taking a step which would be of some permanent character I am told that in this part of the province there are weaving schools. I have heard of two technical schools. But I think I am free to say that both these institutions are not very much known to fame. My opinion is that these institutions are not prospering. The profit that is now made in price may or may not continue after the present circumstances have changed. On the other hand I fully recognize that Government are alive to the necessities of the situation and that they have got a definite programme of work. The question therefore before us is whether I should press the resolution for acceptance by Your Excellency's Government or leave the matter entirely in the hands of Government for the present. I know that if I take up the latter position, Government will fully consider the matter and perhaps reconsider the steps they have already taken, and I am sure something will be done which will be satisfactory to everybody concerned. But at the same time I cannot overlook the importance of the question that has been raised by this resolution, and although we have all listened to a very instructive speech by the Hon'ble Mr. O'Malley I must confess that I have not heard anything which would convince me that there are difficulties in the way of the Government accepting my resolution. In these circumstances, having reconsidered the matter and having regard to the importance of the

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question that is raised. I am sorry I cannot but press this resolution. I hope Government will reconsider the question and accept this resolution."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"I think, my lord, the Hon'ble Mr. O'Malley has given expression very clearly to the attitude of the Government regarding the weaving industry in Bengal generally. I am afraid we cannot accept the resolution as it is worded or as it stands ; but after what the Hon'ble Mr. O'Malley has said, and after the assurance that I propose to give, the Hon'ble Maulvi Sahib, I hope, will see his way to withdraw the resolution. What we propose to do with regard to the establishment of a weaving school in Dacca is to consult the Educational authorities and to see what can be done to make an early start in that direction."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, I think that it would rather be asking too much if I pressed this resolution. I would, therefore, ask Your Excellency's permission to withdraw it."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 13.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ also moved the following resolution :—

This Council recommends to the Governor in Council that a selected officer be placed on special duty to report on what steps are immediately necessary for improving the prospects of cotton cultivation and increasing the supply of cotton in Bengal.

He said :—

"The question raised by this resolution is somewhat connected with the one that we have just discussed because all these questions are ultimately connected with that of the increased supply of *dhoties* and other wearing apparels. But before we can think of increasing the supply of *dhoties* we must have our cotton, because without our cotton we cannot have our yarns. As regards cotton there are two distinct varieties which we get from what is called 'tree cotton' and the other variety that we get is what is called "field cotton." The climate of Bengal is not considered suitable for the production of long staple cotton or, in other words, the only cotton that we have in Bengal does not give us exactly the kind of yarn that is necessary for weaving fine kind of cloth. It is, therefore, to what is called the tree cotton that we must look for the supply of the proper kind of yarn which is necessary for weaving cloth and the question before us, therefore, practically resolves itself to this : what are the prospects for the improvement of the cultivation of tree cotton and what steps can be taken for this purpose. It is well known that we had in Dacca an industry which was famous throughout the world. I refer to the industry of muslins and the question naturally arises where it was that the people of Dacca used to get their cotton in the olden days. I was casually discussing this matter yesterday with the Hon'ble Mr. Crum and at that time I had not sufficient information to give in regard to the question raised by our discussion. But after I came here I met some of my friends and from inquiries I have come to know that there was at that time in Dacca a sufficient supply of cotton of the variety called, tree cotton which used to grow in abundance and which used to yield the

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finest yarn in the world. It was in the days of the East India Company a certain General, who was afterwards known as Sir Stephen Hamilton (?), reported that at a certain place near Dacca there was a variety called tree cotton which produced such a fine quality of yarn that he was actually surprised and he recommended that all possible steps should be taken for the development of this variety of cotton. An inquiry showed that Sir Stephen Hamilton was referring to that part of the district now known as Kapasia. *Kapas* means cotton and the place was appropriately called Kapasia. But tree cotton has ceased to exist in that place. It is therefore not correct to say that there are no facilities in Bengal for the production of tree cotton and that all our efforts in that direction are bound to result in failure. The problem really is one which the Agricultural Department can tackle and it is somewhat unfortunate that although they must have been doing something to improve the cultivation and increase the supply of cotton, their efforts so far have led to no appreciable results. The proposal that I make is that a selected officer specially fitted for the task be charged with the duty of reporting to Government what steps may be taken for improving the cultivation and increasing the supply of cotton. I may be told that there is the Department for the work. But, my Lord, if an officer is placed on special duty it goes without saying that he would be able to give his undivided attention to the subject, he would be able to devote all his energies and his suggestions are bound to be of a valuable character. I am not quite sure, but I was told yesterday and I think it is generally believed, that District Officers have been asked to collect information something on the lines suggested in the resolution. I do not know whether it is a fact, but even if it were it would not meet the situation, because, after all, the District Officers have got other duties to look to. They will perhaps depute one of their subordinate officers—very likely one not fully equipped for the task. Enquiries made by District Officers will not be useful. But if an officer is placed on special duty he can tour through at least the suitable part of the province and he will find out what has been the history so far as the cultivation of tree cotton is concerned. He will take note of the soil and note other conditions that are necessary for the improvement and development of this kind of tree cotton and it goes without saying that his report is bound to be of a most valuable character. I only want that a selected officer be placed on special duty to tackle the problem of the increased supply of cotton, which is a most important problem at the present moment. And I do not see that there is any difficulty for Government to depute one of its expert officers for that purpose. So far as this resolution is concerned, I would most confidently commend it to the Council."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I beg to support the resolution. The mover has already brought to the notice of the Council that there are places in this part of the province in which cotton of the finest quality used to be grown. I come from West Bengal and I can also say that there are villages in West Bengal where cotton used to be grown and those villages are still known as Kabasdanga. I do not find any such village in my district. But I know that in many villages in other districts the people used to cultivate cotton. But where are they now? Their descendants are now working as mill-hands in riverside mills in the riparian municipalities. So far as the Government Agricultural Department is concerned, I cannot but say, My Lord, that the cultivation of cotton has not been properly looked after by Government. I have read with great attention the reports of the Agricultural Department, but I am sorry to say that the reports are very discouraging. I have made personal inquiries about seeds and I am glad to inform the Council that seeds are available in many parts of the province. But the Agricultural Department, I am told, get their seeds from Bombay and are selling them at Rs. 10

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per maund but, allow me to say, that if proper inquiries are made it will be found that seeds can be had here at a price not above Rs. 2 or Rs. 3 per mound. If a special officer is appointed to look into these matters, I am perfectly convinced that the proper step will be taken in the direction of cotton cultivation. We talk of weaving schools, but to my mind what is the necessity of them unless proper attention is paid towards the improvement of cotton cultivation? Therefore, if a special officer is appointed, whether from the Agricultural or from any other department, I am almost sure that there will be an improvement in the present state of things. Moreover, if there be cotton cultivation in our own province the present difficulty will be avoided. With these words, I beg to support the resolution."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I support the resolution moved by my hon'ble friend, Maulvi Fazl-ul-Haq. That there was cotton cultivation in Bengal can be proved from old zamindary papers. Cotton was known as *kapas*. But why it has deteriorated—whether on account of people taking to some other cultivation or owing to the unsuitability of the soil—is a matter for investigation. This ought to have been done by the Agricultural Department by this time, but I am sorry that no such thing has been done. To import cotton seeds from Bombay would be of no use to us as we do not know whether the variety brought from Bombay is suitable to the soil of Lower Bengal. It is therefore necessary that an investigation be made and proper means be devised for improving cotton cultivation in Bengal. If we import cotton seeds from Bombay, it will not be possible to turn out cotton at a cheap rate. It is, therefore, necessary that we should improve our own cultivation so that we could produce cotton at a cheap rate. I do not think it necessary to speak much on the subject, but I fully agree with the Hon'ble Mover that a special officer should be appointed to properly investigate into the matter."

The Hon'ble SIR NILRATAN SARKAR said :—

"My Lord, I rise to support the resolution. I do so because I have faith in two things. The first in the honest laborious work of experts and secondly in the soil of Bengal. In spite of discouragement that we have received, I still believe that the last word has not been said with regard to the Department of Agriculture. My Lord, to illustrate the matter, I might cite one or two instances. We all know that within the last few years by the investigation of Mr. Milligan we have been able to add considerably to our knowledge of sugar and we have also been able to very nearly approach the solution of the question in regard to that industry in Bengal. My Lord, as regards sugar, we were told in the year 1915 that there was no hope for sugar in Bengal till a particular kind of cane was introduced in Rajshahi which produced an yield of 40 maunds per acre, and only recently I had occasion to come across an European gentleman just casually who had come over to Rajshahi in order to get land worth several thousand rupees. In fact, he had no objection to purchase any extent of land for the purpose of starting a sugar factory. And it was only in 1915 that we were told that the soil of Bengal was not fit for sugar cultivation! I believe that the character of the soil is not the same throughout the whole of the district. The character of the land in Bikrampur, in Tippera, Noakhali or Chittagong may differ but places may be found in these districts which may be found suitable for the cultivation of a particular kind of cotton. In fact, what is wanted is an efficient, hardworking expert who should be able to devote his whole time to the task. It is the whole-time worker that is wanted who would be able to devote his energies on one particular experiment and whose report would not contain vague generalities. It may be, that after experiments

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such an expert may not be able to give us a good report. But what of that? Then at least we shall have the satisfaction that we have done our duty. We know that in certain parts of Tippera have been found traces of the base of former rivers. I have noticed certain spots in Chota Nagpur, where cotton can be grown. And I take the reponsibility of saying that it is a case for an inquiry. I hope that the Government will not give up the question either of silk growing or of sugar growing or of cotton growing without a more thorough inquiry."

The Hon'ble MR. CUMMING said:—

"My Lord, the reply of Government to the Hon'ble Member's resolution can be expressed very shortly. Government are at one with the Hon'ble Member and the other speakers in their desire to promote, as far as possible, the cultivation of cotton in this province, but the point on which Government differ from him is the method to be adopted. It is quite true, as has been mentioned by one speaker, that the cotton that is being grown in any quantity, apart from a very small area in the Bankura and Midnapore districts, is to be found in the areas of Hill Tippera and the Chittagong Hill Tracts.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur and Hon'ble Babu Kisori Mohan Chaudhuri have stated that enquiries should now be made as to whether cotton cannot be grown in other areas in the plains of Bengal. If I have understood them correctly, the suggestion from their remarks is that nothing has hitherto been done in this direction. It is not inaccurate to say that for more than half a century special enquiries have been made from time to time to promote the cultivation of cotton in the plains of Bengal. It is an obvious remark to make that cotton was grown at one time, and there is sufficient evidence of that fact; but in the plains of Bengal, as at present constituted, partly from rainfall, and partly from certain diseases to which the cotton plant is liable, it has not been found possible to promote that cultivation.

Now, I have said that Government differ as to the method. As the Hon'ble Sir Nilratan Sarkar has mentioned, the last word has not been said on the subject. I myself am also still somewhat of an optimist in the matter.

The proposal before the Council is that a selected officer be deputed for the purpose. To this, I can only say that the only officer who can, at the present time, be spared, or who will be suitable for such an enquiry, is our Economic Botanist, and he is at present giving a great deal of attention to the subject and is examining a number of indigenous and exotic varieties of cotton under the conditions pertaining to Bengal. It is true that if he were placed on special duty he might possibly be able to do more; but the Economic Botanist has several and varied duties to perform at the present time. Apart from him, the Agricultural Department as a whole are giving special attention to the matter. In the first place, members of the district agricultural staff are examining a number of plots in order to gain information regarding the suitability of the exotic varieties; and in the second place they are preparing indents for seed for the crop of next year.

For these two reasons, Government, I am afraid, are not prepared to accept the special recommendation of the Hon'ble Member; first, because any officer specially selected outside the Agricultural Department would simply interfere with the existing organization; and in the second place, if the officer were to be selected from within the department, he could be no other than the Economic Botanist who, as I have already said, is giving his special attention to this subject.

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It will thus be seen that Government fully recognize the importance of the enquiry to which this resolution refers; but, at the present moment, they are not able to do more than request the officers of the Agricultural Department to follow up these lines of enquiry, and in particular, to instruct the Economic Botanist to give, as far as possible, a large proportion of his time to this particular enquiry.

With these words, my Lord, I desire, on behalf of Government, to say that Government are not prepared to accept the resolution."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, I must begin by saying that I consider the reply that has been given by the Hon'ble Mr. Cumming as absolutely unsatisfactory. and that I propose to press this resolution to a division. I would most earnestly request my non-official colleagues to bestow a little attention to this question. We have been told that an officer has got to be selected from outside the Agricultural Department if one is to be selected for the purpose I have in view. What is the good of having an Agricultural Department at all, if that department cannot supply one officer with expert knowledge to take into consideration the prospects of the improvement of one of the most important crops, *viz.*, the improvement in the cultivation of cotton in the districts in Bengal? What is the good of Government spending so much money and nursing a department which sends out officers to the villages simply to look after the old fashioned days of our agriculturists and which cannot devote its proper attention or its energies to find out a solution for a problem which is agitating the public mind so much at the present moment? Is it necessary to go outside the Agricultural Department? Is there no officer in that department who has received a training not merely in India but who has gone outside India? I know that there are gentlemen who have received such a training not merely in this country but outside it and who are fully equipped to take up this task. I am told that the Economic Botanist—I could not catch the expression, but by whatever formidable name he may be called—is at present weighed down with other duties and can only devote a portion of his time to this work. Why, my Lord, should parsimony be shown, when it comes to a question of looking after the needs of cotton cultivation, and that this officer should do this work in addition to his other duties? Why is it that we cannot get a whole-time officer who can devote his undivided attention to this important matter? It is for this reason, my Lord, that I have asked that a certain officer be placed on special duty. We might perhaps be told that the district agricultural officers or the different officers who belong to the Department of Agriculture are in some way concerned with this question. But is that sufficient? What we want is not a man who has come into contact with the Agricultural Department, not a man who has got a superficial knowledge in agricultural improvements and can use fine phrases which we do not understand by which he shrouds his problems with a mystery. But what we want is a man who has received a good training in this particular matter and who can really be called an expert and who must devote his whole time and attention to this matter. I do not know, my Lord, whether the importance of this matter has been fully recognized. Why is it that Government cannot spare an officer for a month or a couple of months in order that he may consider this very important question? After all, what I ask for is that Government should take steps to improve the supply of cotton in this province, *i.e.*, the yield should be increased and that the prospects of the cultivation should be improved. Are the Government to tolerate a situation in which the price of a pair of *dhoties* has gone up from Rs. 3 to Rs. 8, and when Government have received reports of cases of suicide and lamentable occurrences in the domestic life of the province?

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After all these, are we going to be told that Government are afraid to consider this question which is of the supremest importance at the present moment?

Are not the Government aware of the vital needs of the Empire at the present moment? We, who are discussing this matter, do realize what this distress means, what the price of a pair of *dhoties* means, what an acute feeling has been caused by so many tragedies which are known to us. I submit, my Lord, that in the face of these, if Government cannot find an officer from the Agricultural Department who could be placed on special duty for a couple of months, I must then earnestly ask Government to take this matter into their consideration and abolish that department altogether and save some money to the public tax-payer. We might be told that there are no district agricultural officers who possess an expert knowledge which is necessary for an examination of this problem. It is for this reason that I have suggested that an expert officer be deputed for this work. I do not understand the position which has been taken up by Government without hearing our arguments and that is the reason why we are driven to have recourse to moving resolutions in Council. I must strongly urge upon the personal consideration of Your Excellency the acceptance of this resolution."

The Hon'ble MR. CRUM said :—

"My Lord, I am afraid that I am unable to agree with the very strong way in which the Hon'ble Maulvi Fazl-ul-Haq has pressed his resolution; but at the same time, I do not think that the Government answer to the question is quite satisfactory. The question of cotton cultivation in Bengal resolves itself into two parts. First of all we have the ordinary staple cotton which is grown in many other parts of India, and which we would wish to encourage now as a war measure and, if possible, to reduce the price. I do not think it is necessary to bring over cotton seed from Bombay and try to grow it in the plains of Bengal, because I am definitely satisfied that except possibly in some places such as Midnapore or Hill Tippera, as the Hon'ble Sir Nilratan Sarkar says, it is perfectly useless to attempt to grow short staple cotton in the plains of southern Bengal; but the mover of the resolution did touch during his first speech on what, I think, must be regarded as rather an important point, and that is the produce of long staple cotton in the Dacca district. Years ago Dacca used to produce an extraordinarily fine muslin and this was made from long staple tree cotton, so I am told. The industry apparently died out many years ago, because it could not compete with machine-made English goods in the same style, and possibly because the demand for this very fine muslin disappeared or was reduced. Twenty years ago, the price of ordinary American cotton was 3*d*. per lb., before the war, 4 or 5 years ago, it was 6*d*. per lb. and nowadays it is 22*d*. per lb. The price of superior cotton, such as Egyptian cotton and other varieties of long stapled cotton, has equally increased in value. As regards the high prices, we may not perhaps see anything like the old prices for a great many years to come, if ever; and I do think it is conceivable that an industry such as tree cotton in Dacca which has died out a considerable number of years ago, because it could not compete with the other types of the same industry at that time might now owing to the higher price of cotton be a feasible trade. Therefore, on that point, I would like Government to tell us what they think of the tree cotton trade of Dacca and if they intend to make enquiries on that point. There has lately been a Committee sitting in Bombay on the question of cotton in India, and it might be possible to get into communication with that Committee and find out what they have got to say on the subject. It is possible that some of the gentlemen who were sitting on that Committee would be available to examine this question in Bengal. Therefore, although I do not propose to press for the resolution, I

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would suggest that Government might do more than they propose to do at present."

The question being put a division was taken with the following result :—

Ayes—14.

The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Sir Nilratan Sarkar, KT.
" " Mr. J. W. Hely Hutchinson.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Radha Charan Pal Bahadur
" " Mr. W. E. Crum, O.B.E.
" " Mr. E. A. Martin.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Kishori Mohan Chaudhuri.

Noes—12.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. J. Donald. C.I.E.
" " Mr. L. S. S. O'Malley.
" " Mr. F. A. A. Cowley.
" " Mr. H. P. Duval.
" " Mr. C. H. Bompas, C.S.I.
" " Mr. W. C. Wordsworth.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.

The following members were absent :—

The Hon'ble Mr. C. J. Stevenson-Moore, C.V.O.
" " Mr. T. C. P. Gibbons, K.C.
" " Mr. C. F. Payne.
" " The Nawab Bahadur of Murshidabad, K.C.S.I., K.C.V.O.
" " Mr. J. Mackenzie, O.B.E.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Aminur Rahman.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Babu Siv Narayan Mukharji.
" " Kumar Shib Shekhareswar Ray.
" " Mr. Arun Chandra Singha.
" " Sir Deba Prasad Sarbadhikari, KT., C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " Mr. F. W. Carter, C.I.E., C.B.E.
" " Mr. E. B. Eden.
" " Mr. H. R. A. Irwin, C.I.E.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Babu Bhabendra Chandra Ray.
" " Babu Akhil Chandra Datta.
" " Babu Surendra Nath Ray.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.
" " Babu Ambika Charan Mazumdar.

The Ayes being 14 and the Noes 12, the motion was carried.

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LIST OF BUSINESS—ITEM No. 14.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ also moved the following resolution :—

This Council recommends to the Governor in Council that the head-quarters of the Registrar, Co-operative Societies, be permanently located at Dacca.

He said :—

"My Lord, this is one of our hardy Dacca annuals. I have been persuaded to bring up this resolution for the simple reason that the orders that have recently been passed for allocating the office of the Registrar, Co-operative Societies, in Calcutta, might be reconsidered by Government. The reasons for allocating the office at Calcutta and not at Dacca as given by the Hon'ble Mr. Beatson Bell on the last occasion may be briefly summarised as follows :—

First, there was the proposal for the establishment of a provincial co-operative bank which would be under the control of the Registrar, and secondly that although there are more societies in Eastern Bengal than in Western Bengal the needs of Western Bengal were much greater than the needs in Eastern Bengal and therefore required the constant attention of the Registrar, and thirdly that money was flowing in rapidly so that the Registrar had to interview the investors and intending capitalists and that he should be there to be in touch with all those persons. Another argument which was advanced was that since the Hon'ble Member in charge of the department had to be in Calcutta it was very necessary that the Registrar, the head of the department, should also be in the same city. But now it has become necessary to consider all these reasons in the light of the facts that I am now going to place before this Council. I may begin by saying that exactly the same arguments were put forward as regards the location of the Agricultural Department permanently in this city and I would ask Your Excellency's Government to consider whether after the recent decision of the Government with regard to this department the office of Registrar of the Co-operative Societies should not be located at Dacca. I have not brought forward this resolution in order to embarrass Government in any way but simply because I feel that the activities of the Registrar of the Co-operative Societies and of the Department of Agriculture are so closely bound up together that it is very necessary that the head of the Department of Co-operative Societies should be in touch with the head of the Department of Agriculture far more so than with the Hon'ble Member in charge of the department. We have all heard that one of the means by which Government proposes to introduce a larger amount of weaving or induce weavers to get cotton is by starting Co-operative Societies. My Lord, is it not therefore necessary that the Registrar should be somewhere near the Agricultural Department, so that the two departments may co-ordinate their efforts to bring about the best of results? As regards the reasons that had been given I would presently show that they do not hold good at the present moment. As regards the provincial bank the operations may as well be directed from here. We know that there is a Joint-Registrar at Dacca and I think the duties of the Registrar for the purpose may very well be performed by the Joint-Registrar. As regards the second reason that was given, namely, that the needs of Western Bengal are greater, I submit that we have got two or that purpose for the Western Bengal districts, as against one in the Eastern Bengal districts. It therefore follows that provision has already

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been made for the needs of Western Bengal. The only question now to be considered is whether the office should be located in Calcutta. As regards the point that the Registrar should be in touch with the Hon'ble Member we all know that the state of things which the Hon'ble Mr. Beatson Bell represented do not now exist as the Registrar has not now got his office in Writers' Buildings but somewhere outside it in a place called Dacre's Lane. Therefore, so far as those little conferences between the Hon'ble Member and Mr. J. M. Mitra which are said to have led to such useful results are now at an end. The reasons for allocating the Director of Agriculture at Dacca have been proved to be untenable by experience. We were told it was practically impossible to move that officer from Calcutta. But it has proved to be quite possible and the system is going on very well in spite of what the Hon'ble Mr. Beatson Bell said. He said that the Director of Agriculture should be in touch with the mercantile firms of Calcutta and it was absolutely essential that he should remain in Calcutta. The mercantile firms have no branches at Dacca, yet they get their informations from the Director all the same. Therefore I would appeal to Your Excellency and to Your Excellency's Government not to take up an unsympathetic attitude in this matter but give it their careful consideration. I think a possible objection may be made to this resolution with regard to the position that is occupied by the Registrar of the Co-operative Societies regarding his office. I know something of the working of the Co-operative Societies and therefore I know that the argument may be based on the fact that the Registrar is now the chairman of the Central Bank. But I may tell the Council that no less than seven Directors of the Bank belong to Eastern Bengal. And if the Registrar has his office at Dacca it would be more convenient for the Directors to meet there than in Calcutta. Western Bengal districts supply only four members. For all these reasons, I submit that the office of the Registrar of Co-operative Societies should be located in Dacca."

The Hon'ble Mr. CUMMING said :—

"My Lord, Government are entirely at one with the Hon'ble Member in his desire to encourage the co-operative movement in this part as well as in other parts of the Presidency, but this can be done without the transfer of the head of the Department from the headquarters of the administration. Lord Carmichael in 1913, when this matter was suggested, referred to the possibility of the transfer of control in the case of certain departments in which the mass of the business tended for the moment to gravitate to this part fo Bengal. I shall explain shortly that this is the reason why there has been a change in connection with the Agricultural Department.

The Hon'ble Member has referred to the discussion on the subject in 1917, *i.e.*, last year, when the Hon'ble Mr. Beatson Bell pointed out that the mass of the business before the Registrar then concentrated in Calcutta. It is true that the position is not quite the same as last year; but on the other hand, it is not so far different, that there appears to be sufficient justification for the transfer of the Registrar. In the first place, as regards the arguments raised with reference to the provincial bank, the Hon'ble Member says that the bank has not been created. It is true that the provincial bank, as a bank, has not been created. But the federation of central banks, to which he refers, was the association of banks to which my predecessor was referring last year. This federation has been created in the course of the last 12 months; it has its office in Calcutta and is in the immediate personal control of the Registrar. On these grounds, it is desirable that the Registrar should retain his headquarters in Calcutta. In the second place, there has been a decentralisation of authority since last year. Since the Hon'ble Mr. Beatson Bell spoke in August 1917, three officers, as the Hon'ble Member has mentioned, have been appointed to assist the Registrar with co-ordinate powers. He is not precisely correct in stating there are two for the Western Provinces and one for East Bengal. The three

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officers appointed are one for Northern Bengal, one for Western Bengal, and one for Eastern Bengal; and at present there is in Dacca a Deputy Collector on special duty with the special powers of a Joint-Registrar. Surely from this it does not follow that the Registrar should be transferred here, but rather that the necessity for the transfer here has considerably diminished.

The further argument that was used by the Hon'ble Member when speaking in support of the resolution was that last year reasons were given why the headship of the Agricultural Department should not be removed from the centre of the administration, whereas it is a fact that the Director of Agriculture has now his headquarters in Dacca. But there is a difference between the two cases; in the case of the Agricultural Department there has undoubtedly been a greater concentration of work within the last year in Dacca, and it is not therefore inappropriate that at present the headship of the department should be at Dacca. But in the case of the work of the department dealing with Co-operative Societies, there has not been such a concentration of work in the eastern districts of the province. As the Hon'ble Mr. Beatson Bell pointed out last year, the Registrar is essentially a touring officer who gives his services to East Bengal as well as to other parts of the province. In fact, one district belonging to the Dacca Division, namely, the Faridpur district, is really under his own personal control at the present moment. I, therefore, submit that there appears to be no justification for permanently locating the headquarters of the Registrar away from the headquarters of the provincial administration; and in view of the fact that the Registrar is represented in Dacca by an officer who has co-ordinate powers with the Registrar, the Hon'ble Mover will realise that the grounds for transferring the Registrar have, as I have stated, very much decreased; and I hope he will perhaps not press his resolution."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, I have very little to add to what I have already stated. I must admit that after all the Government must be allowed to judge where particular officers should be located. We can only put forward suggestions. If, therefore, in this particular matter Government find that there are difficulties in the way of permanently locating this office at Dacca, I would not be well advised in pressing this resolution. Besides, I do not wish to make the location of the Registrar of Co-operative Societies dependent on the location of the office of the Director of Agriculture in Dacca, because I find that there is very little chance of my motion being carried; and, after all, we may lose the Director of Agriculture also. I do not, therefore, wish to press this resolution."

The resolution was then, by leave of the President, withdrawn.

President's Address.

The PRESIDENT said :—

"It will perhaps be for the convenience of Hon'ble Members if, before we adjourn for the luncheon interval, I make some remarks with reference to item No. 22 which appears on the agenda, in which the Hon'ble Maulvi Fazl-ul-Haq proposes to recommend to the Governor in Council that a Committee of non-official members be appointed to consider the list of subjects to be transferred to popular control, as suggested in paragraph 238 of the Report on Constitutional Reforms. I am going to suggest, for the consideration of the Hon'ble Maulvi, that he should not move that resolution to-day; and I make that suggestion for two reasons: the first is that the Government have no more control over the non-official members of this Council than the Hon'ble Maulvi has himself; and Government cannot order non-official

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members to serve on committees against their will. It is perfectly easy for the Hon'ble Maulvi, if he desires to do so, formally to suggest a committee without moving any resolution on the subject in this Council. My second reason is one to which I attach more importance, and it is this: I think it would be more satisfactory from every point of view, if the Hon'ble Members of this Council desire to discuss the Reform Scheme and express their views upon it, that they should be given a special opportunity of discussing the scheme as a whole from every point of view. That being so, I am prepared to summon a special session of the non-official members of Council for that purpose. The only question is the time at which such a session should be held. I suggest for the consideration of Hon'ble Members two alternative dates. I should be prepared, for instance, to summon such a special meeting to take place at the conclusion of the ordinary business of the Legislative Council which will be held during the first week in September; that is one date for your consideration; or again I would be prepared, if that date be not convenient to the majority of members, to summon such a meeting later in the autumn, say some time early in November. There are advantages and disadvantages attached to each of these dates. Hon'ble Members may say that they desire to express their opinions before the Government submit their views to the Government of India; and that is an argument in favour of holding a special session early in September. On the other hand, non-official members of this Council have been asked individually to submit their views to Government, so that the argument which I have just adduced in favour of holding a special session early in September is not necessarily a very cogent one. The arguments in favour of holding such a meeting later are, I think, that it will give Hon'ble Members greater time in which to digest the many complicated proposals which are contained in the scheme and will enable them to express a more matured judgment upon them. But I do not wish to influence Hon'ble Members one way or the other. I am quite prepared, as I have said, to summon a special session either during the first week in September or early in November, and I would suggest that those non-official members who are present here to-day might perhaps meet the Vice-President before we re-assemble this afternoon and tell him what their views are with regard to this question of dates.

I would propose that we should now adjourn, and that we should meet again at a quarter before 3 o'clock. The Hon'ble Sir Henry Wheeler will be pleased to be here at 2-30 P.M. and discuss this matter with Hon'ble Members who wish to do so."

The Council then adjourned for lunch.

AFTER LUNCH.

LIST OF BUSINESS—ITEM No. 15.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ also moved the following resolution:—

This Council recommends to the Governor in Council that in view of the distress now prevailing in the country, Government be pleased to sanction an increment on a suitable scale to the pay of all public servants drawing monthly salaries up to Rs. 100 a month.

He said:—

"My Lord, I feel I need not say very much in commending this resolution to the acceptance of Your Excellency's Council. It has been admitted on all hands that the distress prevailing in this country is very acute, and that all public servants drawing a very small pay, say up to Rs. 100 a month, find it very hard to make their both ends meet, and it would be a great relief if Government could see their way to add any

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increments to their salaries in any way Government might think fit and proper. I am told that action on these lines have already been taken by other Governments and the Government of India specially, and that private companies also and employers of labour have thought to give increments to their servants in view of the distress prevailing. The harder case is that of the menial servants who draw a salary which is not even sufficient for them to purchase a pair of *dhoties* at the rates prevailing in the country. A pair of *dhoti* now costs about Rs. 7, and supposing there are six members in the family and each member requires a pair throughout the year, he has got to spend on *dhoties* something which is equal to his annual income, which leaves barely anything for the maintenance of his family. Officers in the enjoyment of high salaries do not feel so acutely as the poorer servants, whose case I have cited. It is on their behalf that I would urge this resolution for acceptance by Your Excellency's Council. I do not think that it would entail a heavy expenditure, because the increments they would draw would be very small. With these few words, I beg to commend this resolution to the acceptance of Your Excellency's Council."

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, this resolution is of a type which necessarily presents the Financial Department in a somewhat invidious attitude. We all like to feel that we had done something in the course of the day to help those whom the circumstances of life may have temporarily hit somewhat hard, and the Financial Department shares that amiable weakness with other members of the Council. But, on the other hand, the Financial Department is particularly entrusted with the task of administering to the best of its ability the income and expenditure of the Local Government, and we are bound, therefore, to insist on certain practical possibilities before undertaking fresh expenditure.

In the first place, we have already recognized to some extent the conditions to which the Hon'ble Member has referred, and we have given some relief in the case of the lowest paid servants of Government, who, he will doubtless agree, have the first claim. The Hon'ble Member has put his limit at Rs. 100; we have put ours somewhat lower, and have dealt first with the menial servants, the more humble employees of the *chaprassi*, *farash* and peon type. Even before the war, as is well known, the economic conditions in this country were tending to drive up the rates of lower paid labour all round, and that is a very serious problem with which future Local Governments will be faced. These conditions were intensified by the war; but, even apart from the war, we prepared a very elaborate scheme to benefit these subordinates which we had submitted to the Government of India. In contradistinction to the Hon'ble Maulvi's happy anticipation that this will not cost a heavy sum, I may tell him that it will involve an expenditure of something like Rs. 17 lakhs. Although we could not face the full cost of the scheme, we did, in view of war conditions introduce it in part; we have done so by raising the minimum pay to Rs. 10, Rs. 9 and Rs. 8, according to the classification of districts in respect of the relative expense of living. In addition to this, we have given an extra rupee to those who are drawing less than Rs. 12. There is nothing very magnificent in this, but even that comparatively small measure involves an outlay of Rs. 4 lakhs approximately. I leave it to the Council to calculate roughly what it is going to cost if we undertake sweeping relief on the lines of this resolution.

As regards what has been done by the other Local Governments, we have not got full information, but as far as we can ascertain, the Bombay Government has given special relief in the Bombay and Karachi cities. Judging by what we see in the papers, the conditions of these two towns

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have become abnormal in a very marked degree, the influx of troops and all sorts of labour connected with the war having raised the cost of living to a level far higher than that in other cities. Presumably it was for this reason that the Bombay Government had to undertake special measures of relief. The Government of India seem to have given special allowances to the Post and Telegraph and Railway Departments; but both of these departments have borne an exceptional strain by reason of the war, and they are both departments whose efficiency cannot possibly be allowed to deteriorate during the war. As far as we know, no Local Government has attempted to do anything of the very wide character of this resolution.

Therefore, Sir, we cannot promise anything to that extent. As I have said, we have done something in the case of the lowest paid servants of Government, and in the course of the year, I have no doubt we shall do more in individual cases as they arise, since specific cases of this description are sure to crop up from time to time. I am afraid, however, that we could not possibly, in the present state of our provincial finances, when economy is being enjoined upon us, promise that we would give something to all in receipt of less than Rs. 100 in recognition of the high rates of living due to the war. The difficulties arising out of the war are shared by us all, and we have got to bear them with what philosophy we can; but in respect of the clerical classes, in particular, it is to be remembered that, in so far as grain prices have been far lower than the average of the past few years, they have benefited to that extent, even though they are paying more for cloth and other necessaries of life. We do not deny that there is hardship, but we can only relieve it up to a point; and for the rest, with all sympathy for those who are suffering, I am afraid things must continue as they are."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My Lord, I do not wish to fix Rs. 100 as the unalterable limit. It is really for the Government to say where the line should be drawn, and I admit that in this respect the Government would be the best judge of the matter. In addition to what I said I would only bring to the notice of the Government the case of two classes of public servants whose claims for an increment of pay Government have assured us that they would be considered. I refer to the case of the Civil Court peons and clerks of the Registration Department. As regards both of these, schemes have been prepared for an increment of pay, and as far as I can understand, these schemes are being held up owing to the abnormal condition prevailing in consequence of the war. But I would press their claims again on the attention of the Government. As regards the statement that no Local Government have done anything, I would beg leave to point out that as the times are somewhat abnormal, the prevailing conditions in Bengal are also somewhat abnormal. We are all suffering no doubt in consequence of the war and we will suffer patiently because we know that all these sufferings are not certainly of our own seeking. It is due to circumstances over which we can have no control. But at the same time we must remember that this suffering is acutest in the case of those whose income or salary is small. And I therefore submit that those whose pay is of the lowest grade—they have got the first claim on the attention of the Government. I am glad to hear that Government have taken certain action in the matter and will take further action as soon as a sufficient case is made out. I am convinced that the wheels of Government move very slowly. Therefore, it becomes necessary to press this matter on the attention of the Government. It is in their hands that the destiny of these poor men lie. A difference of a few rupees may mean much to them, while it may not mean much to Government and it is they who are the acutest sufferers in the distress now prevailing in the country. I wish everybody knew fully of the extent of the distress that is now prevailing. Everybody says that there is distress, but how many

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realize the acuteness of that distress? A pair of *dhotis* costing Rs. 3 before are now selling at Rs. 8. It may be an increase of Rs. 4 or Rs. 5 only, but it may mean taking away a good substantial portion of an ordinary man's monthly income. It is for this reason that I press this resolution on the attention of the Government although the total expenditure may come up to 17 lakhs of rupees. What I would suggest is this that not only a beginning should be made, but that the beginning should be a substantial one and ways and means must also be found out by Government. It may be by paying occasional bonuses to these people or by any other way. That I leave to Government. I do not wish to say anything further.

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 16.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ also moved the following resolution:—

This Council recommends to the Governor in Council that the orders recently issued by the Government for the retirement from the public service of officers attaining the age of 55 be sparingly used in the case of members of the Provincial Judicial Service so long as the conditions of initial recruitment to that service are not improved.

He said:—

"My Lord, I am told that this resolution of mine has caused something like a furore in the ranks of the munsifs. They think that if the Subordinate Judges are allowed to hold on, it will block the promotion of munsifs and it is for this reason that they fear that what may be good for the Subordinate Judges may be something like an injury to their own interests. If there is any munsif who think so, I am sorry that my resolution should have given rise to that impression. What I mean is that cases of exceptional character might occur and I ask Government to take such cases into their consideration. To begin with, we know that these munsifs are not confirmed in their posts till they attain the age of 32. Even if they are confirmed at an earlier age they cannot complete 25 years' service before they attain the age of 55, and as under the new rules he would have to retire then, he would not be entitled to draw half pension. Of course, he would be entitled to half pension if he has completed his 25 years' service. It may so happen that a Subordinate Judge is compelled to retire at 55 and if he has a few months' more service to complete his 25 years, it would be very hard for him if he is not allowed an extension so as to get the benefit of drawing full pension. I would ask Your Excellency's Government to consider these extreme cases, especially in the judicial service. I expect that when some improvements take place in the judicial service, officers may be confirmed at an earlier age than at present. Then in that case this question would not arise. With these words I beg to move the resolution."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said:—

"My Lord, I support the resolution moved by my hon'ble friend. Ordinarily we are not for granting extensions, but there may be occasions to which reference has been made by the Hon'ble Mover where it might prove very hard for an officer if he is not allowed to complete his 25 years of service and to draw full pension. Their cases ought to be considered. I believe Government are also anxious to grant in such special cases certain concessions. Moreover, efficient officers of Government expect that they should be

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allowed to draw full pension. There are cases in which concessions ought to be given and I support the proposal. It is not necessary to speak much on the subject. As regards members of the Executive Branch since they are nominated, they pass through a probationary period and that is counted towards pension. But the munsifs are not confirmed before they attain the age of 33 or 34. Of course, in their cases the officiating period is counted, but very few of them get an officiating appointment within 3 or 4 years of their service. Under those circumstances I think it is quite reasonable that concession should be shown especially to the efficient and hard-working officers. With these words I beg to support the resolution."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"My Lord, I am afraid I have got to disappoint the Hon'ble Maulvi Fazl-ul-Haq regarding this resolution ; for I do not think that a strong case has been made out for the acceptance of the Government, nor that by the acceptance of this resolution would the Maulvi Sahib be doing any real service to the judicial service regarding which he wants a certain amount of concession and consideration shown. The new rules have just come into force and the Provincial Government is bound not only to accept them but to make a beginning of a question which has been allowed to go on unchecked for a long time. I think, I may remind the Hon'ble Member that Government have already given their assurance that they will accept the question of the increase of pay in the junior grades as soon as a reply from the High Court is received on the subject. As to using the power of granting extensions more extensively rather than sparingly, as I have already said Government are bound to carry out the new rules under the Civil Service Regulations by which extensions are not to be granted to officers of any branch of the service except where there is an unquestionable public advantage by retaining that officer, or where the officer is really physically fit to continue. The age limit of 55 has been found to be a good working limit for retirement, and therefore there is no reason why exception should be made for one particular service. Every extension granted delays, as the Hon'ble Maulvi Sahib himself knows, promotion of junior men, and if no extensions had been granted, there would now be no munsif over two years' service in the lowest grade. In these days of efficiency Government must also stipulate, like all private individuals, on having the best men available for every service, and I think that this holds good for the judicial branch of the executive, just as much as for the executive branch of the same service. Government cannot make any differentiation in a matter of this kind. Moreover, the Hon'ble Maulvi Fazl-ul-Haq has said that he wants this clemency to be shown in cases of an extreme nature. I would ask him to leave this to the discretion of the Government. If it is really a case where it so happens that a Sub-Judge has to complete only a few months to get his Government pension and if that officer has really done good service to Government, I think the Maulvi Sahib can rest assured that the Government are not likely to overlook such a case, but Government cannot as a general principle show such leniency to a particular service.

Turning to what the Hon'ble Babu Kishori Mohan Chaudhuri has said, I am afraid that I could not follow him very carefully ; but I should like to say that there is some likelihood of there being a demoralising effect on the services by allowing Subordinate Judges more extensions than by disallowing them. I think the munsifs and younger men should be given a chance, and except in extreme cases, Government is bound to carry out the new rules which have only recently been issued by the Secretary of State and the Government of India. For these reasons and with the assurance that the Government will certainly in special cases look into the matter on its own merits, I hope that the Maulvi Sahib will not press this resolution before the Council. Government cannot accept it."

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The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

" I beg leave, my Lord, to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 17.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ asked for leave to withdraw the following resolution :—

This Council recommends to the Governor in Council that the annual exodus of the Government to Darjeeling be abandoned.

He said :

"My Lord, as regards this resolution I beg leave to withdraw it without discussion, as there is very little chance of its being accepted."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 18.

18. The Hon'ble MAULVI A. K. FAZL-UL-HAQ also moved the following resolution :—

This Council recommends to the Governor in Council that pending the establishment of Muhammadan Arts Colleges in Calcutta and Dacca, such colleges be opened in hired houses and steps be taken to make them immediately available to Muhammadan students.

He said :—

" My Lord, this is one of the questions that the Muhammadan Members of this Council have tried often and often to press upon the attention of Government, and I feel bound to say that although we have done all that we possibly could to induce Government to take some definite steps in the direction suggested in this resolution, we have still got this grievance that nothing practical has been done, and that there is no sign that anything is going to be done in the near future. I may, however, admit that in certain respects Government have done something to help Muhammadan students in pursuing their studies. For instance, the reservation of a certain number of seats in colleges and hostels; but I would earnestly ask Your Excellency to consider whether the concessions that have been made so far are really sufficient to meet the needs of the situation. My Lord, so far as the case for a Muhammadan Arts College in Calcutta and in this city is concerned, we have been discussing this even since the year 1912, and we are all agreed that every year the number of Muhammadan students who, after passing the Matriculation examination, seek admission to these colleges has been gradually increasing. I do not think that I will meet with any contradiction from Government when I say that a very large number of Muhammadan students have to give up their studies in consequence of their inability to find accommodation in the existing colleges. I was taken to task for using the expression " a large number of Muhammadan students," but after all a census was taken, and I believe that I can confidently assert to-day in this hall that the number of students who have got to give up their studies for want of accommodation is really very, very large. If I am correct, the question arises whether the case for a Muhammadan Arts College has not been made out. We have discussed the question over and over again and we have been told in reply that the real difficulty in our way is one of funds. I will also admit that so far as this aspect of the question is concerned, I find that at the

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present moment the funds at the disposal of Government are not abundant, and that unless and until normal conditions are restored, we cannot reasonably ask Government to embark upon a fanciful expenditure. But I would, at the same time, ask Government to consider whether the proposal I am now pressing is not of a much humbler character.

After all, what is it that I want? I want that a college be started in some hired house, meaning thereby that the matter should be left primarily to private enterprise, and that Government should come forward to our help by allowing us some sort of monthly grant Supposing the expenses of a fully equipped college come up to Rs. 5,000 a month roughly, and we raise about Rs. 3,000 by means of fees and donations, we would only require Rs. 2,000 a month or Rs. 24,000 a year from Government. If this is done, we can wait till better times are restored and we can have the genuine article. But if we are told to wait indefinitely till normal conditions are restored, I submit that we would be asked to wait much too longer than human patience can bear. We have waited five years already, and we are still harping on the same string at the present moment. I therefore submit that, so far as this proposal is concerned, there is no very unsurmountable difficulty in the way of Government accepting this resolution; and I therefore confidently hope that Government will be pleased to accept it. I might possibly be told that the Calcutta University Commission is considering the whole question of University teaching in this province, and that it would be somewhat premature to take steps in the direction I have suggested till the decision of the Commission is known.

Now, as regards the decision of the Commission. that again introduces an element of uncertainty into our calculations. We do not know how long we shall have to wait; it may be as long as the war lasts or very much longer; but I would say this much that whatever the decision of the Commission may be, there should be no possible difficulty in our having a college in a hired house and ultimately that college may be established under the rules that are to be framed by the University. I myself do not see any difficulty; and if there are any, I would like to have them pointed out; and if they are reasonable, I would not press my demand on the consideration of Government. But I have asked Government to consider this matter, and personally I do not see any difficulty in the way of it. I might have withheld my resolution till later after we received the recommendations of the University Commission. I reserve my comments till I know the attitude of Government towards the question which I have raised. With these words, I commend my resolution for the acceptance of Council."

The Hon'ble MAULVI ABUL KASEM said:—

"My Lord, I rise to support the motion which is moved by my friend to the right. I admit that the policy which the Muhammadans have followed some years back has been wrong with reference to Western education, and I think everyone will admit that we have already paid the penalty of our folly; but, I beg to submit, my Lord, just as the Muhammadan student begins to take to Western education and University education, difficulties arise in the way of the student. First, there come University regulations which limit the number of boys in schools and also the course of teaching, by which a Muhammadan student cannot get into any college that he may find near his home, because the subjects which a Muhammadan boy is likely to take up or which will give him a good Muhammadan education as well as a good high education are not taught in every college, and that is the difficulty which a Muhammadan student has to meet with. Under the present rules of the University, some colleges are affiliated in particular subjects of the University, and some of them in other subjects; so that the student has to chose a particular college

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to get admission, and the difficulty is that these colleges cannot admit as many Muhammadans as seek admission, because the number of colleges which provide good education for Muhammadans is limited. I therefore think that it is advisable to have a college specially for Muhammadans where subjects which are likely to be taken up by Muhammadan arts students will be taught, and so relieve the other colleges of the difficulty they find in accommodating Muhammadan boys. If my suggestion may not be considered preposterous, I may add that the best way to deal with the question, so far as Calcutta is concerned, would be to add additional classes in the Presidency College, and these classes reserved for Muhammadan boys. This can be done with very little increase in the capital expenditure and also a little increase in the running expenditure as well, because the running expenditure will certainly increase because the additional classes will mean additional professors ; but we will also get some income, as my friend has stated, from the fees, which will come to about Rs. 3,000 a month, the expenditure will be Rs. 5,000, and the balance will be about Rs. 2,000. If I may be permitted, I would suggest that a similar attempt may be made in this city, which looks more or less like a city of deserted houses, and we have got a large number of buildings which are unoccupied, and they can be utilised for the temporary use of the Muhammadan Arts College ; although these buildings were never intended for use as colleges or schools, they might be utilised for such a purpose with a little alteration. It will be a great relief if a college be established and the Muhammadans put there. There was some difficulty as regards hostel accommodation; our difficulty will be removed if an attempt is made to have these institutions in hired buildings. Why we press for it is that if a college is started in hired buildings, Government will feel keenly the necessity of having a Muhammadan Arts College, and we hope and believe that the establishment of a college building will be expedited. It will then be considered more urgent than it is at present. There is an impression, my Lord, right or wrong, that if Government feel the necessity for it and want to do it, it will be done without any serious inconvenience, and that ways and means could be found as ways and means have been found for many other projects which the other departments have found necessary and have given preference to other schemes. I hope, my Lord, that as this question has been discussed so often, we shall at any rate come to a solution this year and in this city which was primarily intended as the capital of Muhammadan Bengal."

The Hon'ble MR. WORDSWORTH said :—

"My lord, I think it must have occurred to all Hon'ble Members on receiving notice of this resolution that the Hon'ble mover has chosen a peculiarly unseasonable time for urging these demands upon Government. The resolution as placed before us to-day is new in form ; it is, however, a variation of a theme that has frequently been before us, has been discussed in this Council on many occasions, and has received the attention of the Department of Education and of Government for many years. Government's sympathy with the project is well known, and its desire to help is well known ; and I think it is well known also that if the war had not intervened, our plans for ensuring special facilities for the higher education of Muhammadans would have assumed a material form by this time. The war, however, has upset our calculations, has introduced financial difficulties and has introduced difficulties relating to the recruitment of staff and equipment, and no action has been possible for the last two or three years. This suspension of action due to the war did not commend itself to many members of the Council and so the matter was brought to debate in March last, on which occasion Sir S. P. Sinha put forward the view of Government in these words :—'Government were unable to accept the resolution of pressing the institution of a Muhammadan College because we

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could not get the money and we could not get the staff, and even if we could. it would be. necessary, I submit, even then, to wait till we know what the recommendations of the University Commission would be with regard to a matter of this kind.'

That was the attitude of Government five months ago, and that attitude was supported by this Council when the matter was pressed to a division. We are therefore entitled to ask whether there is any change in the situation to justify new proposals on a matter so recently dealt with. From Government's point of view, there is none. If strict economy was necessary a few months ago, it is no less necessary to-day, and if there were difficulties in recruiting staff and in procuring equipment of colleges a few months ago, these difficulties exist to-day; and if a few months ago it was considered advisable to wait for the report of the University Commission, it is no less desirable to-day when the publication of that report is presumably a few months nearer. From the Hon'ble Member's point of view, I think that the crux of the situation is, the belief that there is a very great need of additional accommodation for Muhammadan students this year. We have been told in rather vague language of the large number of Muhammadan students who have to give up their education because of their inability to secure admission into colleges. The Hon'ble Member's knowledge in this matter outstrips my own. I have made such enquiries as I have been able to make in the time at my command since I received this resolution, and have been unable to discover any clear evidence in support of the Hon'ble Member's point of view. I have written to a large number of Principals of Colleges in this province; I have consulted personally many others. I have consulted gentlemen who are not Principals of Colleges, but are engaged in educational work. I am a member of the executive body of the Calcutta University. I sit on many governing bodies and other educational committees, and only in one instance this year has any representation come before me about a difficulty of this sort, and this representation when examined was found to be scarcely substantiated by the facts.

On the other hand, I nave these figures from the Presidency College, a College justly popular among Muhammadans which offers them great advantages in the matter of fees and great opportunities for the study of those subjects that are of peculiar interest to Muhammadans. This year I am informed that the number of Muhammadan students who applied within the time appointed was 50, 36 applied late; these 86 applicants were considered, and 48 were selected for admission. Of these 48, 12 failed to join in spite of the concessions that were offered, and of those 38 who had already been refused, the Principal found it impossible, when 12 vacancies were left for Muhammadans owing to the failure of these 12 to join, to secure Muhammadans to take the vacant places. This is not perhaps a conclusive argument, but it is indicative of the situation; and we may fairly assume that at the time when these unexpected vacancies occurred, the number of Muhammadan students who had not been admitted in the Presidency College, had been admitted in other colleges in Calcutta or elsewhere. No Calcutta College tells me of any special difficulty or of any specially large number of Muhammadans refused admission, nor is any such evidence forthcoming from Dacca itself. Government, therefore, cannot accept the Hon'ble Member's contention that there has arisen a special need which demands special action at this moment. The resolution, as explained by the Hon'ble Member, is rather surprising. As it reads, it suggests that Government should take action for the opening of temporary colleges in hired buildings, but the Hon'ble Member has explained it as meaning that private colleges should be opened in hired buildings, and that Government should come forward with a grant-in-aid. There is no reason that I am aware of why any gentlemen or any association interested in

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Muhammadan education should not establish their own colleges in hired houses or elsewhere. Whether a grant-in-aid would be given is a matter which can scarcely be argued in this Council. It will depend upon circumstances; upon the probable efficiency of these colleges; upon their financial stability and upon many other considerations, and I would only add the remark that there are certain colleges recently come into existence that have already pressed for Government aid, and that Government have not this year been able to encourage their aspirations. Hired houses might be used for colleges, but it is doubtful whether houses built for other purposes could be easily turned into colleges in such a way that the University would accept them. But supposing all difficulties of accommodation, staff and finances were surmounted, there still remains a difficulty which I do not think can be surmounted in any way. Colleges in Bengal, whether private or Government, must work in affiliation with the University. To secure affiliation a college must apply long in advance, and must show that it is fully equipped to do the work, and if any gentlemen started now to establish a college the earliest date by which they could be admitted to affiliation under the University, would be July of next year. Between this and July of next year many things may happen; one, I hope, will be the receipt of the report of the University Commission; another a considerable relief in the financial situation; and I would therefore put it to the Hon'ble Member, that since a delay is for many reasons necessary, it might be as well to accept once more the position that was accepted in April last, and to await the publication of the University Commission's report, and the return of more favourable financial considerations."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My lord, I would have gladly accepted the suggestion made by the Director of Public Instruction but for the fact that some of the statements which I made in support of my resolution seem to be challenged by Government. I will begin by saying that so far as the Department of Education is concerned we have no grievances whatsoever, and I may also mention here that I do not wish to embarrass the Hon'ble Members who are very sympathetic, and if we do not get what we want it is because, I am fully convinced, that the facts have not been properly placed before them. I know of a case where a number of students were refused admission in a Government College. Government had to prepare the statistics and the task was entrusted to an officer, who, in his turn, entrusted it to a subordinate Muhammadan assistant, who collected an information which contradicted a statement made at a meeting at which the Director of Public Instruction presided. I mention this facts only to show that fact, and support my argument that figures collected by Government are liable to contain errors. The Director of Public Instruction has taken up the position that all the Muhammadan students who passed the Matriculation Examination and those who passed the Intermediate Examination in Science found seats in existing colleges, but here I must strongly join issue with him. We know the number of the Matriculation passed students and it cannot possibly be that the existing colleges with accommodation for 25 per cent. Muhammadan students were sufficient for them. If he really presses the point, I will prove it to satisfaction that this is not a fact. The late Government of Eastern Bengal and Assam in the year 1910 were so fully convinced of the necessity of a separate Muhammadan Arts College that a scheme was ordered to be made out and a scheme *was* made out, when the partition was annulled and the Government of Eastern Bengal and Assam ceased to exist. Am I to understand that what was necessary in 1910 is not necessary in 1918 although attention has been repeatedly drawn to it by the representations of the community. Am I to understand that the necessity

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has ceased to exist in 1918? I would say most emphatically that it has not. I do not know whether I should be challenged, but I propose to place these facts before the Director of Public Instruction. Then we are told that economy is necessary. I do most certainly agree. The previous resolution was based on the recognition of an economical necessity. The police budget is extravagant. We all agree that economy is necessary there, but the general complaint is that no economy is practised under that head. I am reminded in this connection of a story. A gentleman was asked to practise economy. He went over his budget and found that the only way he could practise economy was by curtailing the amount which he used to spend on charity. We are asked that in order to practise economy all we have got to do is to cut out Rs. 25,000 meant for a Muhammadan College. I want to put the question seriously to Government that if they are agreed that there should be economy, is this the direction in which economy should be practised? I think that this scheme should be taken in hand now. It is no use arguing as I am prepared to admit that the scheme may possibly have to be postponed in consequence of the recommendations that are going to be made by the Universities Commission. Then we have been told that if the war had not intervened we would have got something. The scheme was prepared by the Eastern Bengal and Assam Government, then came the re-partition which prevented the scheme from being put into operation. Then the proposal was taken up by the Government of Your Excellency's predecessor, and before a scheme could be prepared came the war. Then we again raised the question before Government. I do not know how many obstacles still there are to encounter. But unless Government do really take this matter up in right earnest, there will never be a real solution of the problem.

There is one thing more which I want to press most strongly for the consideration of Government and it is this: How is it that although year after year we are bringing this question to the notice of Your Excellency's Government, sometimes during the Budget discussion, sometimes by moving resolutions and sometimes by putting interpellations until the question has become one of the most pressing questions in this Council going from year's end to year's end, and yet nothing has been done? Your Excellency may know that at the time of the annulment of partition, a solemn pledge was given to the community that something would be done in the matter of education. At that time we thought that we would have the Dacca College and along with it a Muhammadan Arts College at Dacca. I take it that these solemn pledges are pledges which the Government are bound to fulfil. We are told that the present moment is most unseasonable for a resolution of this kind and that I should not have brought it up. Unseasonable indeed! There seems to be a season for everything. There seems to be a season for the establishment of the Patna University and the Bihar High Court. But when we urge anything upon the attention of the Government, we are told that the time is unseasonable. There seems to be a season for everything but no season for improving Muhammadan education. We have been asking for that something for which the Allies are fighting—the desire for the redemption of something like a solemn pledge."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said:—

"My lord, I do not wish to go over trodden ground or bring forward facts and figures; but I think that the Hon'ble Maulvi Fazl-ul-Huq has been carried away somewhat by his enthusiasm and his earnestness in having the scheme now started, has overlooked a fact which the Director of Public Instruction brought out in his speech, viz., that if you were to start a new college even now, the chances were that you could not get affiliation from the University till July, 1919. If that be correct, I think the Hon'ble Mover of this resolution may be easy in his mind that we shall receive the report of the

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Calcutta University Commission before that; and that being so, I would ask him to consider very carefully whether or not, in the best interests of Muhammadan education, it would be just as well to wait a little longer. Government is not blind to the fact of the growing need of Muhammadan education in the country, and Government would certainly have done more had not the war restrictions come in between; and I think that if the Hon'ble Member will weigh this point in his mind, and when he finds that really and truly the University Commission's report is likely to come up earlier than the affiliation of a new college, I think he would be well advised to wait. That is all I have to say. The Director of Public Instruction, on behalf of Government, has already stated the reasons for which the resolution cannot be accepted."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS ITEM No. 19.

The Hon'ble MAULVI A. K. FAZL-UL-HUQ also moved the following resolution :—

This Council recommends to the Governor in Council that Muhammadan opinion be invited as largely as possible on the question of legislation to provide for the levy of a voluntary tax on Muhammadans in Bengal to raise funds for Muhammadans education.

He said :—

"My lord, I think it necessary to explain the position which I take up in urging this resolution for acceptance by Your Excellency's Government. We have all felt that for several years past that one of the chief difficulties in the way of Muhammadan students is not merely the want of accommodation in existing colleges, but also the obstacles that naturally arise from the fact that Muhammadan students belong to a very poor community. We also recognise that under present conditions Government cannot give us much substantial aid, and we therefore thought that one of the best courses that we could adopt was to tax ourselves to raise funds for the purposes of Muhammadan education. I might at once be told that if such is our decision, why should we not do it by non-official means among ourselves by providing for it, instead of asking Government to legislate in this direction? The reasons, my lord, are obvious. In the first place, it is very difficult to organise the levy of a tax and its realisation. Secondly, I must admit, that if such a matter were undertaken by private enterprise there would be some chance, at any rate, of funds being misappropriated, if not actually misapplied to improper purposes. We, therefore, thought that the best course under existing circumstances would be to have legislation taken on the lines suggested in the recommendations contained in the Bill which I formally drafted and presented to the Secretary for introduction in this Council in order to levy a voluntary tax on Muhammadans for the purpose of raising funds for Muhammadan education. Before that Bill could be introduced, it was necessary to obtain the sanction of the Government of India, but the Government of India, I was informed, had objected to the introduction of that Bill for reasons which were not communicated to me in detail. The real reason, it seems to me, is based on the language of section 79 of the Government of India Act which enacts that the local legislature of any province may not, without the previous sanction of

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the Governor General, make or take into consideration any law affecting any tax for the time being in force—I have read from the relevant portion of this section. I thought, my lord, that with the proper interpretation of this section, the Bill that I presented in this Council was unobjectionable. The Government of India having, however, ruled otherwise, it was not possible for me to press upon the Government for permission to introduce the Bill. But what I would suggest by this resolution is that Muhammadan opinion may be unofficially invited, and if we find that Muhammadan opinion is practically unanimous, and that there is a large body of Muhammadan opinion behind this demand, we may have made out a case to go up to the Government of India for a reconsideration of that decision. I do not say that opinions should be invited as if the Bill has been already presented in Council, but what I do respectfully ask Your Excellency's Government is to address the leading Muhammadans and associations and other persons interested in Muhammadan education inviting them to state their opinion clearly on the question of the feasibility of a tax of that character; but as regards the larger question as to whether such a tax would be acceptable to the Muhammadan community, if the Government find that there is a strong body of Muhammadan opinion in favour of it, I think we might then make out a good case for going up to the Government of India for the introduction of my Bill. With these explanatory remarks, I beg to commend my resolution for the acceptance of the Council."

The Hon'ble MAULVI ABUL KASEM said :—

"My lord, we are told that in order to take our proper place in the public life of the province we must get ourselves properly educated, but we find that facilities are wanting. And when we want that difficulties may be met we are told that money is not available for the purpose. Now we want to be allowed to tax ourselves and we are not allowed to bring forward a Bill for that purpose in the Provincial Council. I think I am right when I say that at least two Provincial Governments were favourable to a legislation of this kind—I mean the Governments of Bombay and Bengal. My Hon'ble friend here made out a draft Bill and the Legislative Department circulated a notice in which it was stated that the Bill was likely to be introduced at a particular meeting of the Council. But when the agenda paper was issued we found that that item was not in it. We subsequently learned that the Government of India have refused sanction for introduction. The Bombay Government also tried to introduce Mr. Sharda's Bill but the Government of India could not see their way to sanction its introduction. The Government have not a private fund ready for us. We have tried in various ways to raise a fund. First, we wanted to raise money by taxation and, secondly, we have tried to utilize the waqf funds by taking measures by which they could be used for Muhammadan education—the purpose for which they were intended. We have been refused assistance on both occasions and, as my Hon'ble friend has just remarked, we have been told that if the Muhammadans are so willing and so anxious to tax themselves then why not have a voluntary taxation? But, my lord, there are serious difficulties in the way of our doing so. If it is believed that there are 23 millions of Muhammadans who would gladly pay just as they pay Government revenues, then in that case, my lord, it would be putting too much value on the patirotism and public spirit of any community in the world. These men have to pay land revenue and if they fail to do so their estates are in danger of being sold. Is it likely that without some such safeguard the money will be forthcoming? Besides, there will be men of all sorts and dispositions in every community. I do not think the Muhammadan community is an exception to it. Believing that the money will be forthcoming and intending to have the work equitably distributed and also to make it suitable to all persons the only means which we could adopt was to tax the Muhammadans for the purpose of advancing

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Muhammadan education. I have got a particular interest in the matter because the constituency which I represent is one which is particularly poor but where the desire for education is very great. The Muhammadans whom I have the honour to represent belong to a race who lived by public service in the old days and they are a class who without education have got no other profession to follow. They have now fallen into very bad times and the only means by which they can retrieve their fortune is by getting a thorough and sound education. That education they cannot receive unless some pecuniary assistance is forthcoming. That assistance cannot be forthcoming from Government as their resources are limited. And if we are not allowed to tax ourselves all that we want is that the Government of Bengal may be pleased to ascertain whether a large, an overwhelming body of Muhammadan opinion is or is not favourable to this taxation. I make bold to say that it will be found to be favourable and it is quite apparent from the fact that people have demanded it in our conferences and also by the fact that two members of Provincial Councils had taken the trouble of drafting a Bill. There is a genuine desire for it. And if an inquiry is made it will convince the Government of India that it is a measure which may be allowed to be introduced into this Council. We may be told perhaps that so far as provincial taxation is concerned, it may be one of the questions that will come up before the reformed Council and so it is premature to take up this question now, and that it may be left to the new Council to decide about the taxation. But, my lord, the Government move slowly and by the time the reformed Council can go into this question and no action had been taken in the meanwhile, it will be too late perhaps, so far as the less educated of my community is concerned. Unless they are allowed or in other words unless they are given proper facilities for receiving education, I am afraid they will not be able to take their proper place in, or to share the responsibilities of, the Government under the Reform scheme. So we can hardly afford to wait, and I hope Your Excellency's Government will be pleased to take the matter into their favourable consideration."

The Hon'ble SIR HENRY WHEELER said :—

"My lord, I would like to say a few words with reference to one remark that has been made by the last speaker. He has cited as an example of the unsympathetic and obstructive attitude of Government towards the laudable desire of the Muhammadan community to tax itself in the cause of education, that a Bill of this type in another province was rejected by the Government of India even against the wishes of the local Government. I happened to be Home Secretary at the time when that question was under discussion, and I may tell the Hon'ble Member that he has been misinformed as to the facts, which were these. The Hon'ble Mr. Bhurgri submitted a Bill, desiring self-taxation by the Muhammadan community for purposes of education in Sind; it was supported by the local Government and the then Commissioner of Sind, who, I think, was Mr. Younghusband. Its various aspects came under criticism by the Government of India, with the result that *prima facie* certain points appeared to be unsatisfactory, and it was referred back to the local Government for further consultation with Muhammadan opinion and examination. By that time there was a new Commissioner in Sind, so far as I remember—Mr. Lucas; and on further enquiry he ascertained that his predecessor had been misled by certain enthusiatic advocates of this taxation, the true facts being that the Muhammadan community as a whole did not desire taxation and did not favour the measure. In consequence of this further report the local Government withdrew its support to the Bill, which then lapsed. It is incorrect to say that the Bill was rejected by the Government of India against the wishes of the local Government."

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Mr. O'Malley.

The Hon'ble MR. O'MALLEY said :—

"My lord, this resolution is couched in general terms, viz., that the opinion of the Muhammadan community be invited on the question of legislation to provide for the levy of a voluntary tax on Muhammadans in Bengal to raise funds for Muhammadan education.

The Hon'ble mover has, however, explained that what he has in view is not a referendum to the Muhammadans on the general question whether legislation of this kind is necessary or desirable. He realises that there must be concrete proposals showing what is intended, how money will be raised and how it will be spent : in fact, the people must be shown exactly how their pockets will be affected. What he desires is that the views of the Muhammadan community should be obtained not on a general question but on a particular measure, and that is the Bill which I believe he himself drafted and the introduction of which was refused by the Government of India. I gather from the Hon'ble mover's speech that he is not fully aware of the reasons why the Government of India refused to sanction the introduction of this Bill. I propose to tell him the reasons briefly. One of the features of the Bill was that among the Muhammadans who were to be made liable to pay an educational cess, were those paying income-tax ; and it was proposed to levy a super tax of 25 per cent. on the amount they paid as income-tax. The Bill provided that the cess should be levied from all Muhammadans in Bengal ; and this was one of three classes on which it was to be imposed. The Bill, as required by the rules about proposed legislation, was submitted to the Government of India. The Government of India, in exercise of their powers under the Government of India Act, were unable to sanction its introduction, because the Bill affected public revenues by a proposed increase of 25 per cent. to the income-tax ; and the Government of India could not permit the proposed addition of 25 per cent. In consequence of this decision of the Government of India, this Council has not and cannot have seisance of the Bill. In spite of this, the Council is asked in this resolution to recommend to Government that Muhammadan opinion should be invited on a Bill which could not be introduced. I ask, my lord, whether a referendum on a Bill which cannot be introduced can serve any useful purpose. I venture to submit that this is not a practical proposition.

I confess to some surprise at the resolution being moved at all. In the statement of objects and reasons which the Hon'ble Member appended to the Bill, he stated that the Muhammadan community was almost unanimous as to the necessity of a Muhammadan educational cess, and that the Bill was intended to give practical effect to the almost unanimous wishes of the entire community. If this is the case, I fail to see what is the good of Government consulting Muhammadan opinion on the matter. Government, however, have no evidence of any demand from the Muhammadans of Bengal for a voluntary tax for educational purposes, or any proof that they would welcome the imposition of an educational cess. It is true that after the Hon'ble Member had sent in his Bill, a resolution was moved by the All-India Educational Conference at Calcutta in favour of the Bill, but apart from this, Government have nothing to show that such a measure is demanded or would be welcomed by all the Muhammadans in Bengal. Perhaps, what the Hon'ble Member desires is that the District Associations and the Anjumans, which are numerous in this Presidency, should be given an opportunity of publicly expressing views which so far they have not expressed. But it is perfectly open to the Hon'ble Member to obtain their views himself. He can easily get publicity given to his proposals for legislation ; in fact, this debate will give a certain amount of publicity to them Public opinion has ample means of expressing itself, and if it does not choose to avail itself of them, it is not the duty of Government to advertise the proposals, and if I may use such a phrase, beat up public opinion

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for the Hon'ble Member. This being so, I must, on behalf of Government, oppose the resolution with an uncompromising negative."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My lord, I have followed with great interest, the discussion on the proposal of two accredited representatives of the Muhammadan community, of taxing themselves for the purpose of advancing Muhammadan education. I have observed in public prints statements to the effect that if any portion of the administration of this country is entrusted to the people they will be very loth to tax themselves and all the discredit of failure will recoil upon the Government. But here I find, to my surprise, that two representatives of the Muhammadan community are asking for permission to impose taxation upon themselves for the purpose of promoting education. That shows the real earnestness of the community which they represent.

My lord, an observation has been made by the Hon'ble Sir Henry Wheeler with regard to the introduction of certain Bills in the Bombay Council, and it is this : One Divisional Commissioner found that the Muhammadan community were anxious that Government should permit them to tax themselves, while another Commissioner found that the community were opposed to it. Is it not then the best course to invite the opinion of the whole community saying that such a proposal has been made, what is the opinion of the community on the subject? I think that that is the best way. My lord, I do not know what are the contents of the Bill, but, if I have followed Mr. O'Malley right, the Bill suggests an increase of 25 per cent. on the income-tax and as he says it would encroach on the Imperial revenue. I do not know whether the Muhammadans want an increase of 25 per cent. in the income-tax or to levy an education cess, but if it is stated in the Bill that the money would be spent towards Muhammadan education and if it is brought before the community, they would be free to state whether they accepted it or not. Perhaps they would be more ready to welcome an education cess. It has been stated that it is for the Muhammadan community to express their opinion and not for the Government to advertise the proposal. I find that the All-India Muhammadan Educational Conference asking Government to empower them to impose taxation upon themselves. There have been one or two other Muhammadan public bodies asking Government help on this matter. It may be said that they do not constitute the entire Muhammadan community. But, my lord, is there any objection to ask for a public expression of opinion on the subject or is it that there have been certain matters in the Bill with which Government do not entirely agree? I know of an analogous case where the people wanted legislation but Government would not have it. There was a great difference of opinion between the Government and the people over the Religious Endowment Bill of the late Mr. Ananda Charlu. I know that there is a great demand in the Indian community for years and years together for a Bill to provide for control over their religious endowments. I am speaking from my personal experience extending over a quarter of a century."

The Hon'ble MR. O'MALLEY said :—

"Is the Hon'ble Member in order in introducing these arguments?"

The PRESIDENT said :—

"I think the Hon'ble Member is getting dangerously near the border line. I hope the Hon'ble Member will see that his remarks bear on the particular proposal before the Council."

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The Hon'ble RAI RADHA CHARAN PAL BAHADUR continuing said :—

"If the Government would ask for an expression of public opinion especially on an important proposal like this, I am sure they will be in a better position to know the opinion of the community than can be known through public conferences or public bodies which may not represent all sections of the community. It may be asked why Government should advertise? But it is not a question of advertisement. And Government, even before the Reform proposals are given effect to, does not mean the Government of bureaucracy only. I think, therefore, that we can ask Your Excellency to ascertain public opinion on any public subject and especially on an important subject like this on which the Government are not convinced that public opinion has been adequately expressed. I support the resolution."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"I am extremely sorry that the attitude of Government should be so frankly hostile for I felt convinced when I gave notice of the resolution that the recommendation which I was making to Government was of a perfectly innocuous character. I would not have taken up the time of the Council further because I know the fate of my resolution, but that I want to clear up one or two points to which reference has been made in the official reply. It is said that the Bill affects the public revenues. I have considered the terms of the section and I fail to see how the Bill can be said to affect the public revenues of the country. After all, what I propose is that a cess should be imposed under certain conditions and at a certain rate on all Muhammadans residing in this Presidency and all that can be said if this tax is imposed is that it takes away to a certain extent the taxable capacity of a particular section of the people, namely, the Muhammadan community. Now let us consider that in consequence of various requirements the Muhammadan community are to be taxed, say, up to 50 per cent. of their income. But after all if we have imposed all the taxes we propose to levy we are going to leave to the people a certain margin out of their income. And this proposal of mine can be given effect to by taxing only an infinitesimal portion of the income left in their hands for bare sustenance. I therefore fail to see how the proposed taxation can possibly affect public revenues. However, that is the opinion of the Government of India and it must be accepted for the present. I am then told that it is useless wasting our time to invite opinion on a Bill that cannot be introduced. Well, if I thought that the position taken up by the Government of India were unassailable, I would certainly have never come up before Your Excellency's Government. I believe that the Government of India have arrived at a hasty decision and that if further facts are placed before them, they will reconsider their decision and give leave to introduce the Bill in this Council. Although at the present moment the Bill cannot be introduced the reason why I make this proposal is that if we invite public opinion I feel sure we will have collected materials which will enable us to make out a strong case for the reconsideration of the decision arrived at by the Government of India. I have next been told that instead of Government collecting the opinion why not collect the opinion ourselves? I certainly thought of that, but there are certain difficulties in my way. I wrote to several leading Muhammadan gentlemen, 73 in number, about this measure, and the Hon'ble Members will be surprised to hear that not more than five of them condescended to reply to my letter. I met many of them personally and they seemed very enthusiastic, but they did not reply to my letter because they said they could not appreciate the importance of it. We have got to deal with men who have this idea, if I may be excused for saying so, and it is for this reason that I thought if Government were to ask them for an opinion they would certainly give it. Mr. O'Malley has read out the

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preamble of the Bill which says that the Government are convinced there is a strong concensus of opinion amongst the Muhammadans that this tax should be imposed. But I may be permitted to point out that we have got to anticipate it and without an inquiry it cannot be said that it is incorrect. I am told there is no evidence that the Muhammadans wanted to be taxed and that there is certainly not good evidence for collecting their opinion. It may mean some trouble to Government, but I thought that the Government would be the proper machinery for collecting evidence on this particular point. It would be most welcome to the community that Government should undertake this work. Then I am reminded of the fate of a Bill of a similar character which was attempted to be introduced in the Bombay Council. I know of the case. But as far as I know in Bengal there is a genuine desire that this Bill should be introduced and that is why I want that public opinion should be consulted After all I have tired to place my views before the Council. And I cannot help pressing it to the attention of Government."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 20.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ also moved the following resolution :—

This Council recommends to the Governor in Council that definite steps be taken to organise and develop technical and industrial education in Bengal. especially in connection with the Dacca School of Engineering.

He said :—

"My lord, this again is one of our hardy Dacca annuals. I moved a similar resolution in this very House in the year 1916 when I had the privilege of listening to a very able and instructive speech from the Hon'ble Sir R. N. Mukherjee, who spoke in opposition to my resolution, and brought all his expert knowledge to bear on the question then before the Council. I do not know if it will serve any useful purpose to go over the same ground which we covered on the last occasion. and it is for this reason that I have tried to note down some of the definite proposals which I want to make in connection with the proposal now under discussion. It will be seen, my lord, that this is somewhat different to the proposal which I brought forward in 1916. On that occasion I made a definite proposal, but on the present occasion I leave it to Government to take whatever steps may seem proper for organising and developing technical and industrial education in Bengal, especially in connection with the Dacca School of Engineering. I wish to make a few suggestions. In the first place, I suggest that in the interests of these important branches of study, the question of their control and supervision should be taken out of the hands of the Director of Public Instruction and placed under the Director of Industries. There are various obvious reasons for doing so. We must admit that the time of the Director of Public Instruction is fully occupied with general educational matters and he cannot possibly be expected to devote much attention to the development of technical and industrial education as the needs of the problem demand. Secondly, the Director of Public Instruction, as far as I am aware, has not any officer subordinate to him who can be entrusted with the work of controlling the technical and industrial education of this province. Then the Director of Industries is supposed to be a wholetime officer for the purpose to which technical and industrial education really relate. It is but fair to ask that he should be entrusted with the work. The second proposal that I propose to make is that demonstration shops in technical and industrial institutions

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may be opened where artisans and skilled labourers may learn different kinds of industrial work. The third proposal that I make is that boiler examinations be begun in Bengal, and the students from the Sibpur Apprentice Department and the Dacca School of Engineering may be given equal facilities to sit at these examinations. The fourth recommendation that I want to make is for the amalgamation of the three existing joint, technical and survey boards, making one consisting of experts to control all the technical and industrial education in Bengal. The next proposal I want to make is that the electrical and mechanical classes in the Dacca School of Engineering be re-opened. These are principally the main proposals that I propose to make in connection with this resolution.

As regards the Dacca School of Engineering I do not wish to take up the time of this Council by urging the question over again, but I would simply urge this fact for the consideration of this Council, that the question that was raised by the Hon'ble Sir R. N. Mookherjee can be answered at least to some extent at the present stage. One of the points that he raised was that there are no workshops where these persons could get some sort of technical training as well as theoretical, but what he wanted was a large number of workshops where they could learn the practical part, and this dearth of workshops really made the question of the location of a suitable school of engineering in Dacca, so far as technical education was concerned, difficult.

I do not know much about the matter, as I have to speak as a layman, but if the railway workshops can be utilized for the purpose, they will provide sufficient opportunity for the kind of training on which the Hon'ble Sir R. N. Mookerjee laid so much stress. If the railway workshops can be utilised for the purpose, one of the main reasons given by Sir R. N. Mookerjee in opposition to my resolution would certainly fall to the ground. I do not wish to take up the time of the Council, but the importance of the matter must be recognised by all. I do not doubt that the Goverment are prepared to do all that can be done. The only question is whether any steps can be taken in the direction indicated by my resolution."

The Hon'ble MAULVI ABUL KASEM said :—

"My lord, I have very little to add to what has been said on this resolution by the Hon'ble mover himself. The attention is one which has engaged the attention of Government for a long time, and I believe that Government are as much anxious as the people of this country to find employment for the young men of the middle classes in Bengal, other than those of a clerk or a lawyer. I believe that in order to secure for them employment, we must give them a proper training and one of the avenues of employment would be that of a mechanic and an electrician, and other professions. Therefore I think that it is a very desirable and reasonable proposal that technical and industrial institutions should be established in Bengal, particularly in connection with the Dacca School of Engineering. We want a good deal of facilities and apparatus and some sort of workshop where students can be given this sort of education. I believe the local people, so far as the formal part of the resolution is concerned, would be only too willing and glad to come forward with their help to make this institution successful. I think Government should take the initiative and leave the organisation in the hands of Government officials.

With these few words, my lord, I beg to support the resolution."

The Hon'ble MR. WORDSWORTH said :—

"My lord, there is great divergence between the terms of the resolution moved by the Hon'ble Maulvi and the definite recommendations into which that resolution has resolved. I think the Hon'ble Member will scarcely

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expect me to return offhand, on behalf of Government, a definite answer to such definite and technical proposals. I can assure him that these recommendations will be placed in the proper quarter; some of them have long been receiving consideration though they may not mature in the exact form in which they are now framed, and I hope the Hon'ble Mover will be content with that assurance with regard to his specific proposals. As the departments are at present organised, the Director of Industries is not in any way concerned with industrial or technical education; his functions are of a very specific character, and are determined at this moment by specific problems due very largely to war conditions; and I do not think it is possible to contemplate that the functions now exercised by the Director of Public Instruction in the Department of Technical Education should be transferred to the Director of Industries."

I would refer next to the proposal that the electrical and mechanical classes should be re-opened at the Dacca School of Engineering. In the debate on the Hon'ble Member's resolution of two years ago, the situation was clearly explained by the Hon'ble Mr. P. C. Lyon; and it was then pointed out that the facilities granted at Dacca to students for the study of mechanical and electrical engineering were being used to a very small extent. I have the figures here; and I find that in 1913-14, there were only four students in this department out of 266 in the school. In 1914-15, there were only 9 out of 211; and in 1915-16 there were 5 out of 211. The expenditure was considerable; there was at the same time but a small number of students taking these classes at Sibpur, and Government as trustee of the public revenues felt it impossible to continue these classes at such heavy expenditure. Accordingly, this work was concentrated at Sibpur; and it will be remembered that Sir R. N. Mukherjee and other members of the Council also strongly urged this course, because of the peculiar opportunities offered to students who follow their studies in large engineering and industrial centres. Since then, these classes at Sibpur have become very popular; and there is at the present moment a very large demand, a demand indeed almost too large to be met at the present moment. Government, therefore, is doing its best. There are difficulties of staff and the recruiting of competent men is almost impossible at the present moment. There are difficulties in securing additional machinery. If these difficulties obtain in connection with Sibpur where extension might be possible, surely the difficulties would be much accentuated if we endeavoured to re-establish similar classes at Dacca. Further, we are advised at present that the heavy demand on the classes at Sibpur is the demand for the opportunities that Sibpur gives not merely a demand for training in mechanical and electrical engineering, but for training in those subjects under the peculiarly favourable conditions which attach to the Civil Engineering College at Sibpur. It is true that Eastern Bengal students find it more expensive and more inconvenient to follow their studies in Calcutta than in Dacca, and by a natural sentiment which we all appreciate and which in educational work is peculiarly valuable, they would prefer to have the opportunities here; but sentiment and cost are not the only considerations. In the matter of engineering training the opportunities for a satisfactory practical training are a very potent determinative and the extra expense to which Eastern Bengal students who go to Sibpur are put is more than compensated by the additional prospects they have in after life.

For these reasons, and unless there occurs any fundamental change in the situation, Government is not able to take into consideration the re-institution of the teaching of these subjects at the Dacca School of Engineering.

Proposals for the development and improvement of the work of the Dacca School of Engineering are under consideration, as also schemes for the improvement and development of the Civil Engineering College at Sibpur

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and other institutions. I trust that the Hon'ble Member will be satisfied with the answer I have given, and will see no necessity to press this resolution to a vote."

The Hon'ble MAULVI FAZL-UL-HAQ said :—

"My lord, I can say that I am satisfied with the reply given, and I would beg Your Excellency's permission to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM NO. 21.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ also moved the following resolution :—

This Council recommends to the Governor in Council that questions relating to the appointment and transfer of Muhammadan Marriage Registrars be finally decided by Government on the recommendation of the Permanent Committee and that the said Committee be reconstituted, if necessary, so as to place it on a workable basis.

He said :—

"My lord. this is a resolution which exclusively concerns the Muhammadan community ; but for one or two matters which have given rise to this resolution being pressed in this Council, I would not have chosen to take up the time of this Council by bringing forward a resolution of this character. I know that the orders of Government in this connection have already been put into force regarding the rules for the future appointment of Muhammadan Marriage Registrar and it might seem somewhat futile to move a resolution at the present moment. I think that the resolution of Government has put into force certain rules which provide for the appointment of Muhammadan Marriage Registrars ; there are certain reasions why I thought fit to place this resolution before the Council in order to get the opportunity of placing, for the consideration of this Council, certain matters of a somewhat important character. In the first place, the proposals that have been accepted by the Government are that the appointments should be made by the local Anjumans and Muhammadan Associations ; and that after the Anjumans have made certain suggestions their recommendations are to go up to Government, and one out of two nominations should be selected for the vacancies. I wonder if Government really took into consideration the fact that most of these Anjumans or Muhammadan Associations are hardle organised institutions, and that they exist only in name. There are somy which come into existence only when the Governor goes to visit a particular locality, in order to have the honour of presenting an address to His Excellency. Disorganized institutions of this kind can hardly be entrusted with the work of selecting persons for appointment in responsible position. It is obvious that if these powers are given to Anjumans, there is always one man who runs the whole show and he will be able to exercise in some cases some sort of nepotism which in all cases should be condemned. Secondly, my lord, the decision of Government was arrived at without any reference to public opinion. No association was consulted and no Muhammadan of any position in this Presidency was consulted, and the Government took this decision on its own initiative without allowing the public to have any say in the matter. The permanent committee which has been recognized for 30 years was not allowed to express any opinion on these proposals. I might

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be told that a member of the Government who himself is a Muhammadan did introduce this change. I must confess that that argument does not appeal to me at all. I submit that if a member of the Government does propose a certain measure, affecting to a certain extent the rights and privileges of any section of the community or of the people, it is the bounden duty of that member to consult public opinion and to act accordingly. To act on his own initiative, without consulting public opinion, is to act like an autocrat and it is not made the least objectionable because he happens to be an Indian. If he tries to drive a coach and four through our rights and privileges, he is liable to still more condemnation than any European who wants to do so. I therefore submit that this decision, which was taken by Government without consulting public opinion in a matter of this character, is an insult direct to the community, and an insult to the permanent committee. I do not know whether Government could be moved to reconsider their decision, but I have recommended in the resolution itself that the Permanent Committee if necessary be reconstituted so as to place it on a workable basis. I freely admit that the Permanent Committee is a huge body, and is hardly a body which can be of any practical use so far as these questions are concerned ; and therefore I recommend that the Permanent Committee be reconstituted, and that after the district associations have submitted their nominations, Government may be pleased to consult the reformed Permanent Committee in finally making appointments. In this way Muhammadan opinion both in the districts as also the representatives from various parts of the Province would be taken before final appointments are made. With these few words I beg to commend this resolution to the acceptance of this Council.

The Hon'ble MAULVI ABUL KASEM said :—

"My lord, it is on very rare occasions that I find myself in disagreement with the Hon'ble Maulvi Fazl-ul-Haq and unfortunately it is one of those occasions. The Hon'ble Mover has said that the rules for appointing Marriage Registrars have been framed without consulting Muhammadan opinion. So far I agree with him. But the decision taken by Government is a wise decision and it will serve very useful purpose. I do not deny that in some parts of Bengal Anjumans come into existence on the eve of an official visit and for the purpose of presenting addresses to him. I know that there are in this Presidency at headquarters of districts both in Western and Eastern Bengal, Muhammadan Associations which have done good and useful work and even granting that there are Associations which are practically one-man shows—when these Associations are given a certain amount of responsibility in recommending the appointment of Marriage Registrars, they will do better work than they have hitherto done. If it is one-man show then that one man will lose the influence which he now exercises and he will have to make room for other people and the Association would become more active and more popular than they are to-day. I certainly agree with the Hon'ble Mover that these recommendations from these bodies may be placed before the Permanent Committee before being finally accepted by the Government, and that out of the two recommendations by these Committees one may be selected by the Permanent Committee itself. I have no objection to that, but what I want to place before Your Excellency's Government is that so far as the original nominations are concerned I would leave them to the local Associations and I think that if these local Associations are given this and other responsible work they will get some amount of responsible and popular support. By this way they will gradually help in the formation of Muhammadan public opinion in the mofussil and also stimulate activity in Muhammadan public life. On these grounds I would press that the present system be maintained so far as original nominations are concerned, but I want the right of

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recommendation for the appointment of Marriage Registrars being vested in public working bodies representative of the community. With these words I beg to say that whatever decision Government may take, the present rules should not be departed from."

The Hon'ble MR. CUMMING, said :—

"My lord, the Hon'ble Mover has recognised that this matter has very recently been under discussion and consideration; that the whole question was examined very carefully last year, and that the views of Government at that time were recorded in a resolution of September 1917. At that time, the Government of Bengal had the special advantage of the advice and experience of a Muhammadan gentleman as a member of the Bengal Government; and in this connection, I must say I do not understand what was the exact relevance of the remarks which the Hon'ble Mover made on that subject. The decision then made, Sir, was that while this Permanent Central Committee should remain, it was desirable and convenient that it should only perform the functions of an Advisory Committee on general questions, while retaining the functions of an examining body; but the duties of the selection of candidates were decentralized among local Advisory Committees which were to be constituted. The decisions then made were embodied in the rules which were published so recently as April last; and, indeed, it was only in June last that the proposals of the Inspector-General regarding the personnel of these Advisory Committees were approved. In making his recommendations, the Inspector-General followed the instructions of Government that where there were suitable Muhammadan Associations they should be recognised, and where such suitable agencies did not exist, local committees were to be formed *ad hoc* and consulted.

"Now, the Hon'ble Member has raised in this connection two questions, *viz.*, the appointment and the transfer of Muhammadan Marriage Registrars, but the most of the arguments in his speech were directed to the question of appointment. As I have stated, it has been decided that, as a matter of policy, Government should obtain the assistance of these local Advisory Committees for appointments; but as regards transfers, they should be retained in departmental control. The Hon'ble Member apparently desires that the Central Committee should have powers under these two heads. His first argument is that these local bodies are not organised, and that they are unsuitable agencies. The answer is that the Inspector-General has been informed that where an Anjuman is not suitable, or where there is no Anjuman, he should, in consultation with the District Registrar, submit the names of suitable nominees for the local committees. In the second place he has argued that the change was made without consultation with the Muhammadan public, and without consultation with the Permanent Committee; and I am afraid that it is really here where, if I may use the expression, the shoe pinches. I may say perfectly frankly that it is premature to decide whether further changes are now necessary. It was only in June last that the personnel of the new Committees were created and such experience as has been obtained is to the effect that the new arrangement is working more satisfactorily among the Muhammadans than the old one. It has been admitted by the Hon'ble Member that the Permanent Committee is not a suitable agency for dealing with appointments throught the province, and the Hon'ble Member who supports him has urged that, after all, there is a great deal to be said for this decision.

"In the next place, as regards transfers, on which the Hon'ble Member has lightly touched, but which is a subject which is included in the resolution, I may say that the authority to sanction transfers, with which might be included suspensions and dismissals, was at no time specially included by

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Government amongst the functions of the Central Committee. In this case also orders were passed quite recently. Therefore, I must oppose this resolution, on behalf of Government, on the main ground that the present arrangements were settled after careful consideration so lately as September 1917; and that nothing has occurred since that date to justify a resiling from the decisions which were then made.

"I should like, however, to state in this connection that in that same resolution, the Government of Bengal did undertake on the return of normal financial conditions, to appoint two special officers for the inspection of Muhammadan Registration offices in view of the fact that the inspection of these offices is at present inadequate. If such appointments are made, it may be possible to meet the views of the Hon'ble Mover and those who think with him on this subject of Muhammadan Marriage Registrars. But as I have said, Sir, there are good grounds for opposing the resolution as it at present stands."

The Hon'ble MAULVI A. K. FAZL-UL HAQ said:—

"My lord, I can well understand the feelings of the members of this Council by having to listen to a discussion at this late hour of the day, especially on a subject which is of no interest except to three of us sitting in this corner. But I feel obliged to say a few words, because I want that the points that have been raised by me in moving this resolution ought to be cleared up whether my resolution be accepted or not. I have been told, as anticipated, that the decision was arrived at by a member of Government who was himself a Muhammadan. That argument however does not carry conviction with me; he might be a Muhammadan or anybody else. The point is not whether the decision which was arrived at was wise or right; but the point is that the decision was arrived at without consulting public opinion on a question of principle which affects a large section of the community. I want to point out to Your Excellency that although public opinion may have been disregarded, we cannot allow this sort of policy to pass without a protest. I maintain that the members of the Permanent Committee who had offered advice to Government for more than 30 years and whose functions and privileges were going to be curtailed, ought to have been allowed to have their say in this matter. Supposing, my lord, the Government want to take away the privileges which we enjoy in this Council, without consulting us, or giving us an opportunity of expressing our opinion. Would it not be a most humiliating position for us if we had allowed that sort of thing to be done?

We are told that there are public associations which may be entrusted with the task of making selections for vacancies. Why was it, my lord, that this decision was taken in the dark and flung upon us in the public by means of a resolution. I object not to the decision, because the decision may have been wise; but I object to the principle of arriving at a decision without consulting public opinion.

My friend, the Hon'ble Maulvi Abul Kasem, who said that he was going to oppose me on the present occasion has, I am glad to find, unconsciously supported me in the speech which he has delivered. He has stated that the original nominations may be entrusted to the local Anjumans but that the decision may be made on the recommendation of the Permanent Committee. If he reads the Resolution he will find that my resolution refers to the final decision; and he is prepared to agree with me there. I think, therefore, he has in fact supported my resolution.

I am told that the Permanent Committee will still be an examining body; but examinations are held only once a year. I am next told that the District

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Committees are working satisfactorily. Government may be in possession of the information which we do not know but I may tell this much that it was only yesterday that on setting foot at Dacca I heard that there has already been a squabble and quarrel in connection with the nomination of the Dacca Association and representations have been sent to Government. This is the first result of the introduction of the present system of reforms, by which power has been taken from the Permanent Committee and delegated to District Committees. That is, however, a matter with which Government will have to deal. It is useless to argue the case any further because Government has already made a decision. When Government takes up an uncompromising attitude, to go against Government decision will be to dash one's head against a rock. I do not wish to make any further observations; but I would still press this resolution for Your Excellency's consideration."

The resolution was then put and lost.

LIST OF BUSINESS—Item No. 22.

THE PRESIDENT said :—

"I think that this item should be formally withdrawn in Council."

The Hon'ble Maulvi Fazl-ul Haq accordingly withdrew the following resolution :—

This Council recommends to the Governor in Council that a Committee consisting of non-official members of this Council be appointed to consider the list of subjects to be transferred to popular control, as suggested in paragraph 238 of the Report on Constitutional Reforms and referred to in the Illustrative List II appended to the Report, with instructions to submit their report to the Secretary to the Legislative Council for circulation to members in time for discussion at the September sitting of the Council.

LIST OF BUSINESS—Item No. 23.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ also moved the following resolution :—

This Council recommends to the Governor in Council that all steps which are being taken or are in contemplation in pursuance of the scheme for the partition of Dacca be postponed.

He said :—

"My lord, the question of the partition of Dacca came before this Council in consequence of the decision arrived at by Government to invite public opinion on this project. It was found that since this proposal was made, public opinion immediately expressed itself. I believe several meetings have been held and several representations made to Government to postpone the question of the partition of Dacca at least for the present. In recommending the postponement of the consideration of this question, I beg to submit for the consideration of Your Excellency's Government certain facts which, in my opinion, ought not to be ignored before any decision is arrived at by Government in this matter. I will begin by saying that I was given an opportunity of giving evidence before the District Administration Committee and there I freely admitted that the administration units should be as small as possible because I freely confess that in my opinion the smaller the administration unit the greater the efficiency in the administration. If that principle be accepted, I

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also admit that in some cases there are existing administrative units which ought to be partitioned. But the question whether a particular district ought to be partitioned or not is entirely a different matter. But even taking for granted that Dacca is one of those districts which ought to be partitioned, I would submit, as I was told in a previous resolution, that a more unsuitable occasion could not have been found out for taking up that question. In the first place, without going very much into the merits of the question it is necessary that the people should be allowed the fullest possible time and opportunity to consider the forthcoming reform proposals and that no other proposals should be before the public which are likely to distract public attention or to take away from the earnestness with which they should look at all the problems arising out of the constitutional reform scheme which are now before the public. I therefore submit that one of the strongest reasons for postponing the question of the partition of Dacca at present is the outstanding fact that we have before us proposals of a far more weighty character which should be considered in a calm atmosphere free from controversy. It is evident that the question of the partition of Dacca rightly or wrongly, has given rise to controversy and that there should be nothing before the public at the present moment anything of a controversial character. Secondly, we do not know what the effects of the reform will be as regards the position of the District Officer as the head of the unit of administration. We do not know what effect the large principle of administration will have on the position of the District Officer and we do not know what the position of the District Officer—who can be said to be overworked at the present moment and I say this without any reference to conditions—will be in reference to the constitutional reforms but his position is certain to be affected. For these reasons. therefore, if for nothing else, I would strongly urge upon Your Excellency's Government to reconsider the decision for inviting public opinion and to leave this matter alone till we have got through our schemes of constitutional reform and calmer times are restored. It may be said that the matter is of some urgency. So far as Dacca is concerned I do not think it can be said that the matter is of any urgency. Even if Dacca is included in the list of those districts which should be partitioned, I submit that the District Officer of Dacca gets at present proper help in matters of administration from a sufficient number of officers who have been carrying on the work and who can certainly be expected without any appreciable inconvenience or difficulty to carry on the work for some time longer. I do not think that a case of extreme urgency has been made out and I am very strongly of opinion that unless such a case is made out, it should be postponed for the present. With these few words I commend this resolution for the acceptance of Your Excellency's Government. I say nothing as regards the merits of the scheme of the partition of Dacca.

The Hon'ble RAI SRI NATH RAY BAHADUR said :—

"My lord, I beg to support the resolution moved by my Hon'ble friend Maulvi Fazl-ul-Haq.

The Government Resolution published in the *Calcutta Gazette*, dated the 17th July 1918, proposing the partition of the district of Dacca has greatly disturbed the minds of the people of this district. Several persons and some of the Associations and the press have in unmistakable language expressed their opinion against this proposal. They have all been vehemently opposing it since the publication of the District Administration Committee's report.

My lord, my proposal is a very simple one. I do not stand for the final abandonment of the scheme now, though I am strongly in favour of it. I plead only for its postponement. Both the Government and the people will be in a better position after the war and after the action of Parliament

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on the Reform Scheme, to see the needs and difficulties of the country due to the changed circumstances. Till then the scheme should stand adjourned.

Some of the reasons for which the people oppose the partition and their criticism in respect of the grounds set forth in the Government Resolution in favour of the partition may be summarised below :—

That the larger schemes of partition, such as the partition of Mymensingh and Midnapur, are not yet being carried out on account of financial difficulties. It is not desirable that a proposal for the partition of another district should be taken in hand and thereby create unnecessary discontent among the people while there is no probability of carrying it into effect immediately or in the near future. District partition requires heavy expenditure, both recurring and non-recurring, which the present exigencies of the finance do not warrant.

The financial resources of the present District Board is pretty large and it can take up large works of public utility in connection with education, sanitation, communication, etc., but after the partition each district will have too small an income to undertake any such measure, nor will it be easy for the District Boards to co-operate in a common cause, each being guided by its own necessity.

After the partition a large number of people who are now residing at Dacca or have valuable houses there will have to leave for the new headquarters to carry out their business, and they or at least those of them who are poor will thus be deprived of the full benefits afforded by such good institutions as the Mitford Hospital, Dacca College, Engineering School, Medical School, Eden Female School, Northbrook Hall Library and proposed Residential University. And many of these people or their ancestors have contributed in some shape or other towards the establishment and development of these institutions. It should also be noted that the general principle followed by the Education Department, enjoins that the students of the district to which the Educational Institution belongs, are given preference in the matter of admission. So it would be difficult for the students of the new district to get admission in the Dacca Institutions ; nor is there any possibility of such institutions being established in the new district.

Some people in every quarter of the district have their houses in Dacca. But after the partition the people within the jurisdiction of Munshiganj and Narainganj subdivisions will have to build new houses in Narainganj where land is not easily available and, when available, it is sold at prohibitive prices. On the other hand, those who will have to leave the present district headquarter will be compelled to part with their house property at Dacca at a considerably low price. It is also undesirable that the solidarity of the people should be disturbed without their consent.

Bikrampur and Sonargaon are places of historical importance and their connection with Dacca is also historical, and the people of these parganas are natuarlly averse to be separated from that connection, nor is it desirable that the importance of this old historic city should be considered as negligible. I am aware, my lord, that these considerations may be repudiated as sentimental, but my lord, sentiment is a predominating factor in all human affairs. It is distinctly laid down in the Constitutional Reform Report that territorial redistribution should be avoided, when the people are against it and the area is small and people homogeneous. The consent of the people is considered as absolutely necessary when any scheme of partition is proposed.

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Your Lordship will see that the people oppose partition on reasonable grounds and it is neither in their interest nor for their convenience that the partition should take place. Let us now see for what expediency the proposal is made. It appears from the Government resolution proposing the partition that it is necessary for administrative convenience as suggested by the report of the District Administrative Committee. The time and circumstances which guided the said Committee to make this and similar other suggestions have vastly changed. The Government policy of administration and the public opinion have also undergone enormous changes and the administrative principle which then held good, does not hold good now. There may be people both at the present and the proposed headquarters who oppose or support the partition on the ground of personal interest, but their number is very small and their opinion is not worth much, but the opinion of the general public ought to carry weight.

The policy of creating small districts is not liked by the people, as we have seen in the case of Mymensingh when the partition of that district was finally settled. That district is nearly three times as big as Dacca in area still the people thought that it should not have been divided, if division was necessary, into more than two districts. Though it pleased the Government to divide that district into three and though the people may yield to the inevitable, the discontent will rankle in their hearts for a long time to come.

The reasons given in favour of the partition do not appear to be convincing. The district is small in area comprising 2,777 square miles while the average area of an Indian district is 4,430 square miles as mentioned in the report on the Indian Constitutional Reform. If the partition of districts is carried out on this principle then the number of the districts in Bengal will shortly be more than double, entailing enormous administrative cost. All the sub-divisions of the district of Dacca, including those in contemplation, are connected either by railway or by water channel and the district officers have already been supplied with steam launches. If there be still any difficulty of communication these may be better overcome when the district is undivided and can spare more money for the purpose. Division will not make communication easy.

Munshiganj subdivision is mentioned as "the most advanced rural tract in India". I, my lord, have the honour to belong to that subdivision and I am thankful to the Government for the compliment; but I am unable to follow the argument that this is one of the reasons for partition. We often see that advanced people are more docile and amenable to reasons than those who are not so, and the district officers are not likely to have much administrative trouble from that quarter. Even if Munshigunj Subdivision is considered as a criminal subdivision this may be met by posting permanently a Superintendent of Police there as at Serampore which has not been raised into a district. The people of Dacca were never reconciled to the partition of Bengal and it is impossible that they will willingly agree to the partition of their own district. Large number of petty estates complexities of land tenure and volume of ligitation be easily dealt with by increasing the number of officers. If according to the Government resolution, the Civil Court officers can carry out the civil administration from Dacca, I do not see why the executive cannot do so by dividing the jurisdiction. In Mymensingh the Sadar subdivision is too big and there are two subdivisional officers, one in charge of the northern part and the other the southern part and the work is going on smoothly. Naraingani which is proposed to be the headquarter of the new district is only ten miles from Dacca and there is also railway communication. It will make very little difference to the people whether the administration is conducted from Dacca

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or from Narainganj. But western Bikrampur being nearer to Dacca the people of that quarter will be inconvenienced to go to Narainganj if their headquarter is located there. Dacca City, which is under the control of a municipality with a non-official Chairman, does not appear to be a source of great trouble to the District Officers. The formation of village unions has reduced the work of the District Officer and further reduction is expected when Village Courts will be created. Non-official Chairman of the District Board is shortly expected which will materially relieve the District Officers of a very important charge. A further relief is sure when the Local Self-Government Bill is passed into law. The Constitutional Reform Scheme which is now on the parliamentary anvil unmistakably indicates that the administration will gradually by stages pass within a short period from the hands of the officials to the people. His Excellency the Viceroy and the Right Hon'ble the Secretary of State apprehend in their report on the Indian constitutional reform that they may be blamed for having left no room for official activity.

My lord, it is not expedient in the interest of the country to increase the administrative expenses if they can be helped. The large schemes of rural sanitation and popular education have to be taken up without delay. Village Committees will soon be established throughout the province. All these require money. Under the new financial arrangements of the Reform Scheme the policy of Imperial grants to provinces will come to an end. The income tax and general stamps will soon be purely Indian sources and Bengal will get no share of them. There practically exists no other elastic source of revenue for the province, Bengal will financially be in a very bad position. No scheme of additional expenditure should therefore be undertaken with a light heart. It should not be said that Your Excellency's Government have without sufficient and strong reason increased the financial burdens of the province.

Under all these circumstances it is clear that the work of the District officers has been considerably reduced and if they consider their charge to be still heavy it is only temporary, for further reduction is shortly expected after the introduction of the Reform Scheme. It is therefore desirable that the Government will not force partition on an unwilling people permanently for a temporary cause.

On these grounds I beg to urge that the consideration of the proposal be postponed till after the war and the final settlement by the Parliament of the Indian Constitutional Reform, when both the Government and the people will be in a better position to discuss the matter calmly and dispassionately and it may be that the Government will not then consider the partition at all necessary."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

My lord, when I arrived yesterdey at Dacca I found that there was a volume of opinion against the partition. I have not had an opportunity of going through the arguments for or against the partition, but so far I am certain that this is not the suitable occasion for the partition of the district of Dacca. It would indeed be a wise policy if the subject of partition be postponed at the present moment, and I would only urge upon Your Excellency's attention that the partition of Dacca may be postponed until the Reform Scheme is introduced, and we have an opportunity to understand what the position of the Magistrates would be under that scheme.

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Babu Kisori Mohan Chaudhuri; Sir Nilratan Sarkar.

The Hon'ble BABU KISORI MOHAN CHAUDHURI said :—

My lord, I rise not with a view to add to what has already been submitted by several representatives but with a desire simply to support the contention of the Hon'ble Movers who are intimately connected with the district of Dacca and who are fully interested in this matter. The proposition is not for the abandonment of the partition of the district, but Your Excellency is only asked to postpone it for some time. It is hardly the time when Government could undertake a thing like this. As regards the partition of Midnapur and Mymensingh much progress could not be made on account of the lack of funds, and I do not see any reason why another partition should be taken up and, in fact, against the wishes of the people. That is a position which we submit for Your Excellency's consideration. There is also no special urgency so far as we have been able to see. The partition indeed is a question in the interests of the efficiency of the administration and Government are no doubt the best judges to decide that point. The partition of a district is always distasteful to the persons who are specially concerned, and if the solidarity of the people is disturbed there ought to be some special reasons for it. As I have already said, the proposition is not for the abandonment of the scheme but simply for its postponement in view of the present situation and also in view of the coming reforms, and I hope and trust that this prayer will be considered and further progress in the matter will be postponed for the present. With these few words I beg to support this resolution."

The Hon'ble SIR NILRATAN SARKAR said :—

"My lord, I beg to support the resolution of my friend the Hon'ble Maulvi Fazl-ul Haq. This question of partition is bound to be looked at from different points of view. The people of Dacca and the people of Narainganj will necessarily look at the matter from opposite and interested points of view; but there are two other subdivisions and they are even more interested than the people of Dacca or Narainganj because Dacca has its headquarters and Narainganj will also have its headquarters; but none of these subdivisions will have any. Be that as it may, it appears to me that this proposal is not without serious disadvantages and these disadvantages I would like to place under three heads. (1) Financial; (2) those caused by the wrecking of associations which have been formed in the last three centuries or more around Dacca and the interests created in Dacca during this long period; and (3) the difficulty under which our friends in Dacca shall be placed if the partition proposal is carried into effect. The last one appears to me to be very important, as I am deeply interested in the question of local self-government. Dacca will have after the proposed partition only her mutilated Councils, whether it be the local bodies, or whether it be the Municipal or other boards, that may be formed there. It will have to work with only half her men, half her money and half her resources. That is certainly putting them in very great disadvantage, particularly at their time of trial upon which the confirmation of the powers that are going to be conferred upon us, will depend. During this period of trial they will have to work under these disadvantages if the proposal for partition be carried into effect. My lord, there is a point of view that largeness of size is a great disadvantage, but largeness of size means a larger number of men, and that would be an advantage. It all depends upon what point of view you look at the matter because a large number of men means larger resources, a larger amount of work, larger interests, and when it is said that for more efficient administration, smaller units are necessary, I do not think that I can agree with all my heart to such a proposal. I would think a small size is also a disadvantage. There is a claim for greater attention and that has

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Mr. Hely Hutchinson.

reference only to the official classes. I know that the official classes are always hard-worked ; but, my lord, to put it in a slightly informal way—for which I may be pardoned—I have greater faith in an arrangement of groups under one able officer than to divide our resources and men into small parties under different commands. Larger resources mean greater work. We want a genuis at the centre, and I feel and I know that that in the Civil Service officers like Mr. Hart and Mr. Rankin are capable of doing everything that they are wanted to do, provided of course that they have got resources and they are allowed to do what they want despite the conclusions of a Commission which may have been arrived at. Therefore, I want mature consideration—my contention is this—that the District Administration Committee worked under the disadvantage of not having a prescience or an idea of what the state of things was going to be in the near future. When they brought up this scheme, they wanted to provide for the state of things which then existed and also the conditions which existed at that time. They did not know that in the meantime two of the noblest of Englishmen, Mr. Montagu and Lord Chemlsford, would draw up a scheme for constitutional reforms for the whole of India, some of which would completely revolutionize the ideal of government in certain matters. If they had any idea of this, their proposal might have taken a different turn. However, these are disadvantages so far as I can make out. The first is money, it will involve a considerable sum as initial expenditure and also as recurring expenditure. The second is the wrench to the associations and interests which exist in Dacca, and the third the disadvantages under which our friends in Dacca who are deeply interested in local self-government will be placed after the partition. On the side of advantages, we have the contention that the officers might be relieved of their work ; this, however, I am again constrained to say, is not very creditable to the officers themselves, because I know even now they devote their whole attention to their work, and it matters very little whether two or three officers are placed under one District Magistrate, and divide the work among themselves, or whether the District Magistrates divide the work among themselves and devote their attention separately. I am no believer in overwork ; but I believe in organization ; and if we were to compare great things with small—when General Foch is now leading so many millions of men—I do not see why our District Magistrates should not be able to manage one district like Dacca, provided, of course, he has got the men and resources at his disposal.

"Under the circumstances, my lord, I believe that there is at least a case for postponing the partition of Dacca for some time, and as I have said, if we were to wait for five years after the adoption of the Montagu-Chelmsford schemes, they should have time enough to justify their existence as local bodies ; otherwise it would be a great injustice to them, because after all we shall be tried according to the results that we can show in our local bodies ; and with Dacca crippled in this way, I believe Dacca and the whole of Bengal will be at a greater disadvantage on this point.

"With these few words, I appeal to Your Excellency and your Excellency's government to postpone this matter for some time."

The Hon'ble MR. HELY HUTCHINSON said :—

"My lord, I am sorry that I find myself unable to agree to the resolution. The objections to the partition scheme come from two points of view : firstly, that the partition of Dacca is not urgent, and, secondly, that if it is made, there will be difficulties in carrying it out.

"Well, as to the question of urgency, the partition which was considered by the District Administration Committee and which has subsequently been

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considered by the Bengal Government since the publication of the report on Constitutional Reforms, has been decided by both these bodies as urgent. I think therefore, that the claim for urgency is established. Apart from that, there is no doubt from my own experience here that the Government officials have a great deal of work to do; and the establishment of sub-divisions at Narsingdi and Joydebpur seems a very reasonable action, whatever is done about partitioning the district. When it comes to the question of difficulties which will have to be met, if the district is partitioned, I do not think that we can get a partition which will please all people. It is certain to please some people, while it will displease others. We have so far heard objections from people who would be displeased. Living as I do at Narayangaj, as far as I can make out, there is no difference of opinion there between the Europeans and Indians as regards the scheme; they are both strongly in favour of the change. At Narsingdi also I found opinion in favour of the change. The problem, it seems to me, is that the present scheme makes districts of the shape of a salamander: a partition into districts north and south of the Dhalassery would make a more normal territorial division and more in consonance with the habits of the people. There is however no site for a capital south of the Dhalassery. On the whole, my lord, it seems that the division suggested by the Government of Bengal is the best and that it had therefore to be carried on as soon as possible. I should certainly protest against any resolution involving postponement, which does not state to what time the partition should be postponed."

The Hon'be MR. KERR said :—

"My lord, I think it will perhaps clear the air to some extent if I begin by explaining what exactly the position of the Dacca scheme is. As the Council is aware, this is the third of a series of partitions which were proposed by the District Administration Committee in 1913. The Committee put Mymensingh and Midnapur at the top of the list as the most urgent. The Mymensingh and Midnapore schemes have been completed and submitted for sanction, and we are awaiting final orders on them. Meanwhile, a good deal of work has been done in connection with the Dacca scheme. The sites proposed by the District Administration Committee have been surveyed and levels taken, and rough estimates of the cost have been prepared. The practicability of the Committee's scheme has been proved by thorough local enquiries, and certain modifications have already been made in their proposals. At this stage, following the usual practice in such cases, Government have put forward a definite scheme for examination and criticism; and we published a resolution on the 17th of July last, asking for opinions to be sent in by the 31st of October. When we get these opinions, Government will proceed to reconsider the whole matter in the light of the opinions received, and will make such modifications as may be necessary in the plans and estimates. Then we shall send up the Dacca scheme for the sanction of the Government of India and the Secretary of State. I have said enough to show that there is a good deal of work still to be done before we start putting the Dacca scheme into execution. There is no chance of any money being provided in the budget for the financial year, beginning on the 1st of April next, and, so far as we can see at present, there is no prospect of any work being begun for at least two years from now.

"The Hon'ble Sir Nilratan Sarkar has asked for a postponement of the scheme. From what I have said, it will be seen that there is no chance of the scheme being proceeded with at once. But what the resolution asks us to do, is a very different matter. The first resolution asks us to postpone all steps which have been taken or are in contemplation in pursuance of the scheme and the next one recommends to the Governor in Council that the

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consideration of the proposal to partition the district of Dacca be postponed till after the war. I understand that the Hon'ble Members who have moved these resolutions would like us to drop thinking about the scheme altogether for the time being. We cannot agree to that for the reasons I shall now state.

"The Hon'ble Maulvi Fazl-ul Haq gave us two reasons for postponing the consideration of these schemes for the present. The first is, as I understand him, that the people of Dacca are busy thinking about the constitutional reforms and that they are unable at the same time to think about the partition of their own district.' Well. I know Dacca pretty well. I have been here nearly every year, since 1912, and I think that this is a libel on the intelligence of the people of Dacca. I have people coming to see me every day. They talk to me about the reforms and the partition scheme, and they do not seem to me to muddle the two things up at all. I think that this theory that the Dacca people are incapable of entertaining more than one idea at a time, may be disregarded.

"The next reason which the Hon'ble Member has urged, is more important; he says that we should drop these partition schemes until we know what the effect of the constitutional reforms is going to be on the work of the District officers. I do not claim to know much about politics, but I do know something about administration, and I think that the Council may take it as certain that whatever other effect the scheme of constitutional reforms may have, it will certainly have the effect of increasing the work of the District officer to a very great extent. It will do so for two reasons. In the first place, the reforms will change the character of his work; and in the second place, they will add very greatly to the volume of his work. The authors of the report have explained very clearly how the first cause will operate. They say that the utility of the public official in India will gradually undergo a change; instead of continuing to the same degree as now to be the executive agency of Government he will stand aside from the work of carrying out orders and assume the position of skilled consultant technical adviser and an inspecting and reporting officer. And then they go on to say that the life of the Indian Civil Servant will be more difficult, because it is harder to convince than to direct; to prevail in consultation than to enforce an order. This opinion will be endorsed by everybody who has had any practical experience in the work of administration. Whether an officer is authorised to pass a decision himself, or whether he has to submit his recommendations to a higher authority, his work up to a certain point is the same. He has to get all the facts, to consider the probable effect of alternative courses of action, and then to select one of the different courses of action open. Then if the decision rests with him, he has merely to pass the order, and often it is sufficient if he signs his name. But if he has got to persuade somebody to agree with him, he has to begin all over again. He has got to think who the people are who are to be persuaded or advised, he has got to consider their point of view, and what their objections are likely to be, and he may have to get over prejudices or preconceived opinions: so that if a man advises or recommends, his work will often be double that which he would have to do if the decision rested with him. That is one way in which the reform scheme will very greatly increase the work of the District Officer. The other way is by actually increasing the number of things the District Officer will have to do.

"Some Hon'ble Members have referred to the question of village unions. They say that the village unions will lessen the work of the District Officers. I do not think there can be a greater fallacy than that and if any Hon'ble Member asks Mr. Hart for his opinion he will find it very different. These village unions are doing work which has hitherto not been done or imperfectly done, and this imposes a very considerable strain on the District officer in the matter of references and applications for funds and various other ways in

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which they ask for the District Officer's advice or help. It involves more touring on the District Officer's part to visit them and keep them up to the mark, and give them help and encouragement, and this alone means more inroads on valuable and scanty time. There are many other ways in which the District Officer's work will be increased in the near future. "Take, for instance, the question of electorates to which I have given some attention during the past few weeks. If electorates are going to be formed on a broad basis as proposed in the Scheme of Constitutional Reforms, the amount of work involved in preparing the electoral roll will be enormous. The work in connection with elections is very considerable, even at present where there are only small electorates of 100 or 200 persons. If you are going to form electorates composed of several thousands, the work which will have to be done will be very great. This work is not work which can be taken over by local bodies; it is work which in all countries is done by permanent officials of Government and it is on the permanent officials that the work will fall in India. So I say that the work of the District Officer, taken as a whole, will increase largely on the introduction of the Constitutional Reforms, and if reasonable efficiency in the public services is to be maintained, the necessity of partitioning these big districts, will be very much greater when the Reforms are introduced than it is at present.

Another point is that this resolution which asks us to drop all consideration of this problem comes rather too late. It might have been in time if this advice had been given to us before the 17th July. I think it would have been wrong even then, but before we published our resolution it would have been possible to ask us not to think about this partition scheme. Now that the resolution has been published, it is impossible to live in Dacca and not to think of partition schemes. The visitors who come to see me daily discuss the matter freely. Some object to any partition scheme at all; some of them, like the Hon'ble Member, agree that partition is desirable, but want some modification in the scheme described in the Government resolution. There is nothing to object to in that. They are of course all people interested in the matter, and their object is to find a scheme which will cause the least inconvenience to themselves, or will be of the most benefit to themselves. Am I to tell the visitors who come to see me, not to talk of partition schemes because some Hon'ble Members think that all consideration of partition must be dropped? Every morning the *Dacca Herald* is delivered to me. Am I to be deprived of the pleasure of reading that organ of public opinion because it contains criticisms on the partition scheme and suggestions for alternate schemes? The advice given to Government in these resolutions is not practicable. There is no intention, as I have already said, of pushing on with this scheme until everybody concerned has had the fullest opportunity of expressing his opinion and until Government has carefully considered these opinions. But we cannot agree to drop all consideration of the matter, and if this is what the resolutions ask us to do, we must oppose them."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said:—

"My lord, I have listened very attentively to the reply of the Hon'ble Mr. Kerr and I am sorry that I have to confess that I have not been convinced that the recommendation made in my resolution ought not to be accepted by Your Excellency's Government. To begin with, we have been told that a case has been made out of sufficient urgency for steps to be taken in pursuance of the scheme of partition of the district of Dacca. The Hon'ble Mr. Hely Hutchinson has said that, the Government officials are doing a large amount of work, and that secondly, the District Administration Committee had come to the conclusion that the case of the partition of Dacca was one of some urgency. Now, as regards the present district officials being over-worked, I think I may only point out to him that if they do a large amount of work their predecessors

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in office used to do so for about a century or more and I do not think that it is going to be suggested that the predecessors in office of the present-day officials were simply a race of lotus-eaters or at any rate they did not work as the present officials. As a matter of fact, even the district of Mymensingh, which is perhaps the largest administrative unit in India, has been run ever since the beginning of British rule or ever since the period when the province had been parcelled out into districts. If a single member of the service felt the weight of the work at Mymensingh, he never complained that it was work which could not be undertaken by one man and which was work of such a character from which he would fly away. The province of Bengal, for instance, was, for a long period of time, too heavy a burden for one Lieutenant-Governor; but every Lieutenant-Governor who took upon himself the task of administering Bengal, always faced the situation. If a thing like that could go on for 70 years I feel that we may reasonably expect this thing to go on for some years to come. I submit, therefore, my lord, that although the present officials in Dacca are over-worked, their predecessors in office were as hardworking as they are. and there is absolutely no reason to think that the present officials would be men of a weaker physique and that they would break down in consequence of the strain.

"As regards the conclusion of the District Administration Committee, I think that is no doubt entitled to weight. I do not at the present moment wish to say anything so far as the report is concerned because the consideration of that question whether Dacca ought to be partitioned or not is a matter on which there may be differences of opinion but what I am not convinced of is that the urgency, even if there is any, is not of such a character that the partition ought to be made in defiance of public opinion. After all, public opinion has got to be taken into consideration. For whom, my lord, are you going to partition districts if it be not for the efficiency of the administration and if it be not for the benefit of the people for whom you duplicate the work? I think, my lord, you ought to make the people feel that there is a responsible and sympathetic Government ever ready to take into consideration their needs. It may be that the people are not well advised in opposing this scheme; but they are at present convinced that this measure should not be taken. We are told that some work has already been done and that sites have been selected. I do not know whether something else has been done. My lord, after all this has been done. the question which occurs to me is why was this done without consulting public opinion. As regards taking up the question of the partition at once, I find that something is done and then we are told to keep quite and after a time elapses and something more is done we are told that so much has already been done and that Government cannot find any way out of it. It is really making us consent to the steps which have been taken by Government towards partition gradually and slowly; although, as a matter of fact, we have really been forced to take up the position. I therefore submit. my lord, that although something may have been done nothing serious has at least been done and things may be allowed to lie for the very simple reason that public opinion seems to be very much against the scheme. Then, my lord, there is the question of expense to be considered. I was only just a short while ago told that the requirements of economy have got to be considered and that we should always practise the utmost economy of expenditure owing to the present financial stringency. I would like to convince Your Excellency that the scheme for the partition of districts is bound to be the most expensive one. Then, why take up this expensive project in the face of this opposition from the public and in the face of the fact that money can better be utilised in other ways. We might be told that there is difference of opinion as to why money can be well spent on other schemes and since there is difference of opinion I submit that this matter ought not to be taken up at once.

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Rai Sri Nath Ray Bahadur.

As regards my observation that the people of Dacca are now only too busy thinking about the constitutional reforms to consider the parttition scheme, the Hon'ble Mr. Kerr, said that it would be a libel on their intelligence if we suggested that their brain was not capable of taking up this question as well when they were considering the scheme of constitutional reform. But, my lord, it is no question of brain being capable of keeping one or two things at the same time; and certainly intelligent men can have half a dozen subjects in their brain and consider them all at the same time; but the point to be considered is whether at the present moment the question is of a really controversial character. Is it not reasonable to ask that, for a consideration of questions like the constitutional reforms, we really require a calm atmosphere and that public time and attention should not be disturbed by having to consider schemes which also vitally affect them and which have got to be simultaneously considered with the problems that will be raised in connection with the scheme of constitutional reforms. After all, my lord, the people of Dacca are human beings and they may be burdened if, with constitutional reforms before them, they are also asked to consider the scheme of partitioning their own district which vitally affects them and which is a thing which infringes with the problems of their daily life. They ought to be pardoned if, in view of the problems raised by the question of partition, they give secondary consideration to the question of constitutional reforms. It is for this reason, my lord, I submit that the question of constitutional reforms is already engaging the attention of the people of Dacca and that they should not be further distracted by throwing upon them the consideration of the question of partition which affects them vitally. I think, my lord, that even amongst the non-official members who have spoken on this resolution have spoken very strongly in respect of this proposal. I do not mean to suggest that the Dacca people are very wise in raising the protest against the scheme of partition. It may be that they are absolutely wrong, but that is a matter that has got to be decided later. But right or wrong, they have expressed their opinion in the pariticular way and in the most unmistakable terms. I, therefore, beg most respectfully to ask Your Excellency to consider whether, in the face of this volume of opinion; in view of the fact that the measure is sure to entail a large amount of expenditure at a time when we are urged to practise the utmost economy in view the fact that we have larger problems to consider; our attention should not be distracted by problems which even though of a partially important character is not of less importance. We simply ask that the proposals for the partition should be postponed just for a short time. I do not mean to say that the people should not be asked to consider it at the present moment; but I think a short postponement is absolutely necessary; and if this is done, I do not think that the present officials of the district will very much complain against that. I do not wish to take up the time of the Council by further observations; but I beg respectfully to press this resolution for Your Excellency's acceptance. After all, if not for anything else but out of deference to public opinion which has been most unmistakably expressed, I would ask Your Excellency to consider whether this matter should be further proceeded with."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 24.

The following resolution, which stood in the name of the Hon'ble Rai Sri Nath Ray Bahadur was held to be covered by the debate on the last resolution (Item No. 23) and was deemed to be withdrawn :—

This Council recommends to the Governor in Council that the consideration of the proposal to partition the district of Dacca be postponed till after the war.

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Babu Brojendra Kishor Roy Chaudhuri.

LIST OF BUSINESS—ITEM No. 25.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI moved the following resolution :—

This Council recommends to the Governor in Council that provision be made for the exemption of *bonâ fide* Ayurvedic medicines from the operation of the Bengal Excise Act.

He said :—

My lord, the grateful thanks of the Indian community in general and the Ayurvedic practitioners in particular are due to Your Excellency's Government for having withdrawn the prosecution. I take it my lord, that this act of grace on the part of Government is an indication that they are quite as much alive as the people are to the interest and welfare of an ancient healing art.

Prosecutions have from time to time been started at the instance of local Excise officers against Ayurvedic practitioners, on the ground that some drugs manufactured by them may be technically classed among Excisable articles. Most of them have proved unsuccessful, but the broad question as to whether these medicinal preparations should or should not enjoy a sort of immunity from the operation of the Excise law has remained unanswered.

The recent Dacca case has, I understand, been withdrawn at the instance of Government and not on account of any defect inherent in it. This may be taken almost as a declaration of the Excise policy of Government so far as Ayurvedic medicines are concerned. And my object in bringing forward this resolution is to discuss the desirability of a formal exemption being made in favour of Ayurvedic medicines generally which will settle a vexed question once for all.

My lord, I believe there is a provision in the present Bengal Excise Act which gives discretionary power to Government to exempt any Excisable article from the operation of the Act. If recourse is taken to this discretionary clause in the present instance, the action of Government will not, I am afraid, commend itself to the Ayurvedic practitioners and the people. For exemption under this clause will involve a declaration that the medicines exempted are as a matter of fact Excisable articles. And as the Ayurvedic system is practised mostly by high caste Hindus, such a declaration may be considered by them to be a slur upon their profession and to degrade them to the same level with the manufacturers of ordinary intoxicants belonging to a lower caste in society. Moreover, there are people among the orthodox Hindus and Muhammadans who would never think of using medicines which might by implication be classed among intoxicants. These may be matters of sentiment, but Government should respect the sentiments of the orthodox community.

I therefore, venture to suggest that specific exemption should be made by an amendment of the Act itself, and I think this suggestion of mine will receive serious consideration at the hands of the Government. In reply to some questions of mine at the last meeting of the Council, it was stated that the Indian Excise Committee of 1905, in their draft Excise Bill had a distinct clause exempting *bona fide* medicines from its purview. This clause even appears in the Bill as introduced in the Bengal Council in 1909. But the Select Committee, by a majority, omitted the clause. I find that the Hon'ble Sir Henry Wheeler was one of the official members of that Select Committee, and the Hon'ble Rai Radha Charan Pal Bahadur was perhaps one of the minority who desired the retention of the clause. It is our good

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Rai Mahendra Chandra Mitra Bahadur.

fortune to-day to have Sir Henry Wheeler as Member in charge of the Excise Department. And my earnest appeal is specially directed to him to re-insert the clause left out by the Select Committee in 1909, adding such safeguards to prevent any evasion of the law as may be necessary. There is a similar provision in the Bombay Abkari Act, which has been in force for the last 40 years. And if the Excise administration has been carried on smoothly in Bombay during this period in spite of such a provision, Government would be running no risk if they were to insert a similar section in the Bengal Excise Act.

My lord, I am aware that the exemption I am thinking of may embrace the entire system of medicine, and not the Ayurvedic system alone. If that be the effect of an amendment of the Excise Act, I for one will have no objection. But I do not claim to speak for any other system than the Ayurvedic. It is a system which has done great service to suffering humanity for centuries. Indeed, it is one of the most precious assets of Aryan culture which has been handed down to us. The late Surgeon-General Sir Pardey Lukis in one of his public utterances observes:— "The longer I remain in India and the more I see of the country and the people, the more convinced I am that many of the *empirical* methods of treatment adopted by the Vaids and Hakims are of the greatest value; and there is no doubt whatever, that their ancestors knew, ages ago, many things which are nowadays being brought forward as new discoveries". My lord, this ancient and wonderful system of treatment craves protection at your hands, so that it may be left unfettered as in the past, to bring relief to the sick and stricken."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said:—

"My lord, the object of the resolution is to exempt *bonâ fide* Ayurvedic medicines from the operation of the Bengal Excise Act. Looking into the history of Excise legislation, I find that the Act of 1905 was amended in 1909 and that lastly a few sections of the Act of 1909 was modified and amended by Bengal Act VII of 1914. The previous Acts defined liquor as intoxicating liquor. But in the present Act liquor is defined as any liquor containing spirit or alcohol. This definition is very illegal. So far as the preparation of kaviraji medicines is concerned the system is based upon certain principles. Before the operation of the Act of 1914 it was thought that the definition of intoxicating liquor in the Act of 1909 was quite sufficient for the purpose of allowing the kavirajes to prepare their medicines, but under the present Act of 1914 I see that a kaviraj has been prosecuted for preparing his medicines. They have complained to Your Excellency and they have reasons for complaints. If you look at section 62 of the Bombay Abkari Act, you will find that the *bonâ fide* preparation of such medicines has been exempted. The Bombay Act has been in operation for a very long time. Section 90 of the Bengal Act exempts certain medicines under certain conditions. The Eastern Bengal Excise Act of 1910 also exempts certain medicines under certain conditions. If the Council considers that the definition of the word "liquor" as explained in the present Act of 1914 is a hardship, then I submit to Your Excellency that there should be a modification of that definition, for in that case every man might be subject to prosecution. That could not have been the intention of the legislature. This point also came up before the Courts in 1917. My lord, if the intention of the legislature was really to exempt *bonâ fide* kaviraji medicines, I submit that it is a case for the consideration of the Council whether the definition of the liquor in the existing Act should be modified or not. Hardly any notification is necessary now. The whole question is whether the definition of liquor should be amended. The *kavirajes* have to prepare their medicines

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according to certain formulaê laid down in the *shastras* and they will have to use alcohol and the definition would operate very harshly on them. I, therefore, submit that it is necessary to exempt *bonafide kaviraji* medicine from the operation of the Excise Act."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My lord, I do not quite understand whether the proposal is that the Act should be amended. From certain speeches I understand that there is also a proposal that the Act should be amended. I was in Council when the Act of 1909 was passed. I was also in the Select Committee. In the original Bill of 1908 a clause (clause 84) was inserted on the recommendation of the Indian Excise Committee that the Bill should not apply to medicated liquors in the hands of medical men except in so far as the Local Government might direct. Then in the Select Committee that clause was withdrawn and another clause was substituted, and that clause is now section 90 of the Bengal Excise Act. It lays down that 'the Local Government may, by notification, either wholly or partially, and subject to such conditions (if any) as it may think fit to prescribe, exempt any excisable article from all or any of the provisions of this Act, either throughout Bengal or in any specified local area, or for any specified period or occasion or as regards any specified class of persons.'

I find that a notification was subsequently issued in 1915. Unfortunately I have not got it in my hands as the Gazettes are not available here. I find in the newspapers that there was an agitation among the *kavirjes* owing to the prosecution of a *kaviraj* at Dacca for stocking *rohitashtak*, but I learn that Government have been pleased to direct the withdrawal of the prosecution. When the clause I have mentioned was withdrawn in the Select Committee and the present section 90 was inserted we were under the impression that a notification would be issued exempting indigenous medicinal preparations resembling alcohol from the operation of the Act. I find however that a prosecution was started against a *kaviraj* although the Government have been pleased to withdraw the prosecution. I do not know whether the existing notification exempts *kaviraji* medicines. If not, then Government will be pleased to take steps to issue a revised notification. As regards the amendment of the Act, I know that the Bombay Act exempts indigenous preparations of medicine and I agree that the Government of Bengal should have a similar provision inserted in the Bengal Act. When the existing Act was before the legislature some opposition was made against the proposal to delete that section, but the Hon'ble Mr. Macpherson assured us that the substitution of clause 85, which is now section 90, would meet the circumstances of the case and there would be no hardship. But unfortunately our experience has been quite otherwise. I hope something will be done to allay the apprehension which has been raised in the minds of the *kaviraji* community. With these words I support the resolution."

The Hon'ble SIR HENRY WHEELER said :—

"Sir, it is not the intention or policy of Government to bring within the purview of the penal provisions of the Excise Act *bonâ fide* Ayurvedic preparations ; to that extent, it may be said that I might forthwith accept this resolution, and, indeed, as it is verbally framed, I do, on the understanding that the word 'provision' is interpreted in the sense that we are already making provision, as I shall shortly explain to the Council. That sense does not, however, include an amendment of the Excise Act which some Members have adumbrated as desirable.

I should like to explain the provision which we propose to make and the circumstances of the case, inasmuch as a certain amount of misconception

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has arisen about it? and a certain amount of feeling has been engendered in *kaviraji* circles.

There are four main points which I would like the Council to bear in mind.

The first is that it is the case that under the guise of medicinal preparations unscrupulous men have sold and do sell to others liquids which are, to all intents and purposes, alcoholic drinks. I make no insinuation against the vast body of *kavirajes* who, no doubt, according to their lights, are conducting an honourable profession in an honourable way. But that advantage is taken, as I say, to evade in this way the operations of the Excise Act admits of no possible doubt. I have looked into recent cases, and can offer a few examples. For instance, I find that a case was decided in the High Court in which it was actually discovered that owing to the sale of this kind of beverage, the transactions of the neighbouring licensed shops fell off, and the High Court said that it was absurd to call a preparation which contained such a high percentage of alcohol, a medical preparation. I find another case in which as much as two maunds of wash for distilling such a liquid were discovered ready, not, as we might expect, in anticipation of an epidemic, but in anticipation of the Durga Puja festival. In another case, I find that a *kaviraj* had been selling alcoholic drinks to confidential customers for over three years; while in another case a preparation, which contained as much as 82·5 per cent. of alcohol, was used by the public as an intoxicant. These, Sir, are typical examples.

Further, we have an authoritative pronouncement of the Excise Commission of 1905-06—the most weighty body which has looked into Excise matters in recent years—that legal action was required in view of the increasing use of medicated preparations as intoxicants. On the first point, then, that the law can be evaded in this way, I do not think that there can be any question.

Secondly, it is obvious that in the interests of the Excise revenue which we derive from the taxation of alcohol, we must check such abuses.

Thirdly, there is not the slightest doubt that, at any rate since 1909, such a check has been the intention of the law.

Fourthly, although *kavaraies* appear to think that they are labouring under a grievance, it is rather the case that exception has been made in their favour, in so far as alcohol contained in their preparations evades paying duty, while alcohol contained in imported drugs or drugs manufactured in this country is taxed; therefore, it is not the case that any special disability exists in connection with their medicines which does not apply to those of western origin.

These are the four cardinal points of the case; but I shall have to explain a little more in detail what the legal position is.

Under the old Excise Act of 1878, it was doubtful whether a successful prosecution against a so-called medicinal preparation would lie, and in 1896, a conviction was set aside in the High Court on that ground, although in 1899 the High Court made the eminently sane remark, which I have already quoted, that you could not claim exemption for an alcoholic drink merely by calling it a medicinal preparation. However, it may be said that the law was at any rate doubtful up to this point. But in 1905-06 the Excise Committee, to which I have already referred, definitely made a pronouncement as to the use as intoxicants of medicated articles, and, in their model Bill, recommended a provision which would prevent such a practice. Their method was to exempt the import, manufacture, possession, sale or supply of any *bonâ fide* medicated article for medicinal purposes, by medical practitioners, chemists,

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druggists or keepers of dispensaries, but to enable the Local Government, by notification, to prohibit throughout the province, or within any local area, the import, manufacture, possession, sale or supply of any such article, except under prescribed conditions. Some Hon'ble Members have to-night quoted this provision for a general exemption in favour of these medicines, but have omitted the very important proviso empowering the Local Government to notify prohibitions. The Committee fully recognised that malpractices might exist; it is true that they suggested a general exemption; but they proposed to guard against malpractices by notification.

When we came to the amendment of our own Excise Act in 1909, it is perfectly true that, first of all, a section on the lines of the Excise Committee's Bill was contemplated. But when the Bill went to Select Committee it was decided to adopt the contrary expedient, namely, to bring these preparations within the purview of the Excise Act, but in order to safeguard *bonâ fide* preparations, to give the local Government power by notification, and subject to conditions, to exempt excisable articles from the operation of the Act. Such a provision finally went through the Council without objection from anybody.

In 1910, the Eastern Bengal Government, which had then become a separate province, legislated, following the precedent of the Excise Committee, but my point is that in the essential intention of controlling these malpractices both Acts were at one. The only difference was in the method of so doing.

In 1912, it so happened that our Act was found defective in another particular, *viz.*, the definition of 'liquor', and when they came to amalgamate the old Act with the Eastern Bengal Act, our predecessors again amended the Act to meet that difficulty, and at the same time once more emphasised the intention of the Legislature (again without objection on anybody's part) that medicinal preparations containing alcohol should be brought within the Act unless exempted as *bonâ fide* medicines. There is not the least doubt about that now being the law, as shown by a High Court ruling of 1917 which remarks: 'to say now that a preparation containing alcohol is not within the provisions of the Bengal Excise Act, simply because it is a medicinal preparation or may be used for medicinal purposes, would be to stultify the Court and ignore the plain purpose of the Legislature.'

I have given these details because I wish to disabuse the Council of the idea that anything has been done lately to change the law in any sense. What has happened is that the Excise Authorities recently instituted a prosecution, of which details have been given in answer to a question in this Council, and they were perfectly within their rights in instituting that prosecution. However, it attracted a certain amount of notice in the press, and appeared to alarm the Ayurvedic practitioners Consequently I gave an interview in Calcutta a little while ago to certain representative *kabirajes*, and after talking to them decided to withhold the prosecution until we discovered a way out of the difficulty.

We have since been discussing what the way should be, and there are one or two points which, I admit, are to be said in favour of the *kabirajes*. The first thing is that they *do* make up their own medicinal preparations, which negatives the idea of enforcing a centralised manufacture in bond of medicines containing alcohol. Secondly, they prepare their drugs from ancient formulæ to which they consider themselves bound to adhere. That is a fact which deserves to be taken into consideration. Thirdly, if they were to use rectified spirit in their preparations, I understand that it would be opposed to the prejudice of many of their patients who do not regard as obnoxious alcohol which is produced in the course of the manufacture of drugs.

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Sir Henry Wheeler.

themselves. These three points may influence us in making what is really an exception in favour of *kavirajes*, from the general law which renders liable to duty alcohol contained in western medicines. We have been discussing this matter with the *kabirajes*, and the Excise Commissioner, Mr. Moberly, has, I think, hit upon a line which shows us the way out, that is to say, it is possible to draw a distinction between what are called, I believe, *aristas* and other preparations in which the alcohol is arrived at by distillation. I understand *aristas* are preparations—I see the Hon'ble Sir Nilratan Sarkar, who is a scientific expert, has his eye on me, and I apologise for a very unscientific presentation of a technical matter—in which by the mixture of certain ingredients the alcohol is generated by fermentation and is not arrived at by distillation. As far as the Excise Commissioner has ascertained, we have never prosecuted in the case of these *aristas*, and we could make an exception in their favour. Another good reason for doing so is, I am told, that these *aristas* are far too unpalatable for use by anybody as a pleasant beverage.

What we propose to do is to proceed by way of executive instruction as to how the Act is to be interpreted. Of course, under the law as it stands, we could notify a long list of things which are not to be the subject of prosecution. But there are difficulties in doing this. In the first place, these formulæ do not exist in any standard book, and probably are not even known to any one individual; secondly, there are a very large number of such formulæ, and all would have to be tested and classified. Thirdly, we might not even then arrive at a complete list, and if we were to get out a list it might be susceptible of abuse by persons calling a thing by one name, while, in reality, it was something entirely different. We have, therefore, decided to discard the idea of trying to notify what is exempted. We prefer to proceed by executive instruction, and the general outline of the instruction, which we propose to issue is somewhat on the following lines :—

'The manufacture by *kabirajes* of the Ayurvedic medicinal preparations known as "*asab*" or "*arista*" should not be interfered with on the ground that the finished preparation contains alcohol (provided that the finished preparation is produced by the admixture of sugar, treacle or molasses, or honey with other ingredients and the fermentation of the whole, and that no process of distillation is used in its production), unless the Chemical Examiner for Customs and Excise reports that the preparation is now reasonably a medicinal preparation. The formula under which the preparation is said to be prepared and a reference to the work from which it was taken should, if possible, be forwarded to the Chemical Examiner along with the sample. Should the Chemical Examiner for Customs and Excise report that the preparation is not reasonably a medicinal preparation, or should it be found that any such preparation is being used as an intoxicating beverage, notwithstanding a report from the Chemical Examiner that it is reasonably a medicinal preparation, the facts should be reported to the Excise Commissioner. These instructions do not apply to the manufacture by distillation of Ayurvedic preparations (such as *Mrita Sanjibani Sudha*) or to the preparation of wash for the manufacture of such distilled preparations.'

Mr. Moberly has interviewed representative *kavirajes* in this city, and we are considering whether a working compromise can be arrived at on such a basis. Another point put forward by the *kavirajes* is that we should get representative men from among their number to act on a Board in an advisory capacity as to what is a legitimate medicine and what is not, and we shall try, to meet their wishes to some extent in that respect. Mr. Moberly will now see other representative *kavirajes* in Calcutta, and finally in the light of his discussions with them, we shall try to bring out an instruction on these lines. That is the provision we contemplate, and in this sense we have no objection in accepting this resolution."

Resolutions.

Babu Brajendra Kishor Ray Chaudhuri; Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble BABU BRAJENDRA KISHOR RAY CHAUDHURI said :—

"I beg, my lord. to thank the Hon'ble Sir Henry Wheeler for the kind assurance he has given ; and I am very grateful to your Lordship's Government for accepting this resolution."

The resolution was then put and carried.

LIST OF BUSINESS—ITEM No. 26.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that immediate effect be given to the recommendations of the Public Services Commission that in the executive branches of the Provincial Civil Services "not more than 50 *per cent.* of the vacancies should be filled by promotion from the subordinate services.

He said :—

"My lord, my intention in moving this resolution is to remove partially an anomaly which is a source of dissatisfaction and discontent in an important section of our public service. The Sub-Deputy Collectors nowadays have to do the same work and discharge the same duties as the Deputy Collectors and in headquarters they are often seen to act in place of Deputy Collectors. In the sub-divisions the work of the Sub-Deputy Collector is still more onerous. Not only has he to try criminal cases but various departments including the Sub-Treasury are entrusted to him. The risky nature of treasury work is well known. Sub-Deputy Collectors are after being vested with first class powers and doing their work to the entire satisfaction of the Government. Still they are ill-paid, the pay they are entitled to, being even insufficient to enable them to maintain the dignity of their position. Hence the present anomalous position of the two services merely tends to create a discontented body of public servants.

The question of the two services was discussed in detail before the Royal Commission on the Public Services in India. In reply to a question about his experience of the officers selected by the different methods of recruitment for the Provincial Civil Service, Mr. H. L. Stephenson, then Financial Secretary to the Government of Bengal, said :—'The principal point is whether the recruitment shall be mainly direct or from the subordinate service. The principles adopted by the Public Services, Commission of 1886 favour direct recruitment as the normal method ; the advantages are that a better class of men can be obtained for a service where the initial pay is Rs. 250 than for one with an initial pay of Rs. 100 and that for the higher status and work of the Provincial Service it is desirable to directly recruit young men rather than to take men of a more advanced age who have spent part of their youth in a Subordinate Service.' Then he said :—'The class of men who enters the Subordinate Service now differs very little from the Provincial Service recruit and he does work that does not vary much in kind from that of the higher service ; and the prospect of promotion undoubtedly attracts a better class to the lower service.' As a matter of fact the difference in qualifications between members of the two services has disappeared and the discrepancy in pay and prospects is a source of constant irritation. The Hon'ble Mr. Beatson Bell advocated a radical remedy by proposing the amalgamation of the Subordinate Executive Service with the Provincial Civil

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Mr. Kerr.

Service. I quote the following with approbation from his written answer submitted for the consideration of the Commission on the Public Services :—

'Taken as a body, there is very little difference between the two services in the matter of the qualification of the recruits. In fact those entering the Subordinate Executive Service are often superior to those entering the Provincial Civil Service. It is most galling to a man to see another man, whom he has surpassed at the University, placed at once in a position to which he himself can only attain after many years of drudgery. The two services should be amalgamated, the lowest grade being placed at Rs. 200 per mensem. The total annual vacancies would then be 22. I would fill up the vacancies as follows :—

Open competition among candidates nominated by District Officers	...	9
Promotions from other services (Settlement Kanungoes, etc.)	...	8
Governor's cadetships	...	5
Total	...	22'

I give my whole-hearted support to the Hon'ble Mr. Beatson Bell's recommendation about the amalgamation of the two services. And I am sure the proposal will be duly considered by the Government of India along with the recommendations of the Commission. But for the present—till those recommendations are given effect to, I would propose the adoption by the Government of Bengal of the proposal to fill up 50 per cent. of the vacancies in the Provincial Civil Services by recruiting from the Subordinate Service.

That candidates of equal or superior qualifications enter the Subordinate Service when they cannot enter the Provincial Service is admitted. And it is also admitted that they do so in the hope of being promoted to the Provincial Service.

The Commission asked Mr. Stephenson—'As to the qualifications of the Provincial and the Subordinate Services they are drawn from the same class ; but in your experience is there a class of men who would take a post in the Provincial Service but who would refuse an offer of one in the Subordinate Service ?'

His reply was emphatic—'Undoubtedly they are drawn from the same class to this extent that very much the same class of men will enter both, but the men who enter the Subordinate Service only do so with the hope of getting into the Provincial Service by promotion.. They would none of them be content to enter the Subordinate Service as a career.'

Thus it is admitted that if the chances of promotion are remote discontent in the Subordinate Service which is now manned by men who are equally competent to enter the Provincial Service will ensue. And if 50 per cent. of the vacancies in the Provincial Service is filled up from the Subordinate Service some justice will be done to the members of the Subordinate Service and the arrangement will serve as an incentive to the able and educationally qualified men in the service to discharge their duties even more assiduously to qualify them for promotion.

With those words I beg to move the resolution for the consideration of the Council."

The Hon'ble MR. KERR said :—

"My lord, when I first saw the Hon'ble Member's resolution, I had some difficulty in making out what he was driving at, and my difficulty has not been removed by his speech. The facts of the case are briefly as follows : Our present Bengal rule which is a rule of at least six years' standing, and

Resolutions.

Babu Mahendra Chandra Mitra Bahadur.

probably older, is that out of the number of appointments in the Provincial Service, ordinarily 35 per cent. are filled by the promotion of officers who are already in Government service. The Royal Commission on the Public Services found that other provinces were not so virtuous as Bengal in this respect and that in Madras, appointments, in the executive line, are made almost wholly by promotion, and mainly so in the Punjab, Burma, and the Central Provinces and Berar. The Commission said :—

'We are impressed by the advantage which are secured for services recruited in India under the system of direct recruitment. We accordingly advise that in the executive line 50 per cent. be laid down as the maximum amount to which promotion from the lower ranks should be permitted to extend.'

Well, the Hon'ble Member has embodied the words of the Royal Commission in his resolution. But as I understand his speech his meaning is diametrically opposed to that of the Commission. What he means apparently is that at least 50 per cent. of appointments should be filled by promotion from the Subordinate Services. The Hon'ble Member will correct me if I am wrong, but I think this is the only inference that can be drawn from his speech. What the Royal Commission said and what the resolution says is that not more than 50 per cent. of appointments should be made by promotion, and by no possible construction of the English language can the resolution be made to bear the meaning put upon it by the Hon'ble Member. In these circumstances, it is no use discussing the points which the Hon'ble Member has raised regarding the recruitment of the Subordinate Services and so forth. All these questions are in the melting pot in connection with the reforms advocated by the Public Services Commission, and to a considerable extent in connection with the constitutional reforms. It is no use going into them at this time of night especially as they do not arise on the resolution. All that I have to say is that the resolution, as it stands, is already in force in Bengal, and on the understanding that this is what is meant, or rather because this is the only meaning which it can bear, Government are prepared to accept the resolution."

The resolution was then put and carried.

LIST OF BUSINESS—ITEM No. 27.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR also moved the following resolution :—

This Council recommends to the Governor in Council that four days of the Durga Puja holidays, namely, *Saptami*, *Maha-astami*, *Navami* and *Dasami*, be observed as closed holidays in the different departments of the Bengal Secretariat and its attached offices in so far as the attendance of Hindu assistants is concerned.

He said :—

"My lord, it is not necessary for me to make a speech in support of this resolution. My intention is that these days which are observed as Hindu holidays should be observed as closed holidays. There is a sentiment amongst us that these days should be observed strictly as holidays. There are many hallowed associations around these days, and it is very difficult for those Hindu assistants, unless ordered by their masters, to absent themselves from office. In this view, I put the resolution before the Council.

Resolutions.

Babu Kishori Mohan Chaudhuri; Mr. Donald; Rai Mahendra Chandra Mitra Bahadur; the President.

Now, there is one other matter which I ought not to lose sight of, and that is, that Government business cannot be stopped. Consequently it is necessary that arrangements should be made for the purpose of conducting business in the office. But, my lord, I was just enquiring whether there are any Muhammadan assistants available for the purpose. I have been told that there is a number of Muhammadan assistants, but whatever it may be, it is for the Hon'ble Member to consider the point. It must not be argued hereafter that this point was not mentioned. There is a considerable amount of discontent among the assistants if they are made to attend on these holidays. With these few words, I beg to commend the resolution to the Council."

The Hon'ble BABU KISORI MOHAN CHAUDHURI said:—

"My lord, I support the proposal put forward by my Hon'ble friend. I do not wish to say anything more."

The Hon'ble MR. DONALD said:—

"My lord, the Hon'ble mover has moved the resolution that Government offices should be closed entirely on the four days of the Durga Puja, but he has himself admitted that some arrangement must be made for the conduct of urgent work. As regards these four days, I find that they are observed as closed holidays in every office except the several departments of the Civil Secretariat. In the Civil Secretariat, we have to arrange for some clerks to be present to look after urgent work, and the orders laid down by the Government of India many years ago are that, if possible, where assistants have to observe certain religious ceremonies, they should not be called upon to work at all on these days. Every step is taken to employ on these days for the conduct of urgent work as many clerks as possible of other religious persuasions—Muhammadans if available, or Christians or others.

It is quite possible that these holidays occur sometimes when the Government is in Darjeeling, and not many Muhammadans go to Darjeeling; but, as far as can be done, non-Hindus are employed on these occasions. After all, the days are observed practically as holidays, and those clerks who have to attend do so for only a portion of the day. That is the position and I hope it meets the Hon'ble Member's difficulty."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said:—

"My lord, I appreciate the difficulty which Government feel in this matter. On the assurance that the Hon'ble Mr. Donald has given that arrangements will be made for exempting Hindu assistants from attending on their holidays, I beg to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

THE PRESIDENT'S ADDRESS.

The PRESIDENT said:—

"Gentlemen, I have ascertained from the non-official members, who are present here to-day, that a special meeting for the purpose of discussing the Reform Scheme would be more convenient in November than during the first

The President's Address.

Adjournment.

week in September. But, at the same time, a hope has been expressed that the official views of the Government of Bengal upon the Reform Scheme should not be communicated to the Government of India until after the discussion has taken place. The Government of India have asked the Bengal Government for their views by the 1st of November. I am not in a position, therefore, to give any assurance upon that point. All that I can do is to give an undertaking that a report of the discussion which takes place shall be forwarded to the Government of India, with the comments of the local Government upon it.

"Under these circumstances, and in view of the fact that there are a large number of non-official members who are not present here to-day, I am requesting the Secretary to the Legislative Council to communicate individually with every non-official member, explaining the position and asking for his views as to whether the special meeting should be held in the first week of September or postponed till November. I hope that the views of all the non-official members will be received by the end of this week, and if the majority desire to have the discussion in September, I will do my best to get a notice out to Hon'ble Members, in order that they may have as long a time as possible to draw up such motions as they may desire to move in connection with the scheme."

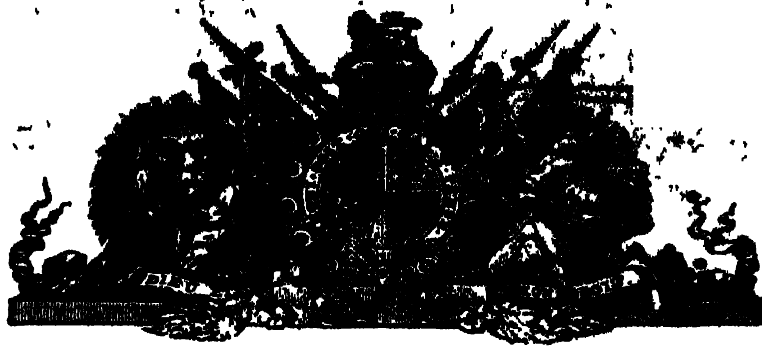
ADJOURNMENT.

"The Council was then adjourned *sine die.*"

A. M. HUTCHISON,

Secy. to the Bengal Legislative Council, and
Secy. to the Govt. of Bengal, Legislative Department (Offg.).

CALCUTTA;
The 10th September, 1918.



The Calcutta Gazette

WEDNESDAY, SEPTEMBER 25, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Tuesday, the 3rd September, 1918, at 11 A.M.

Present:

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble Major-Genl. W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. C. H. BOMPAS, C.S.I.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.
The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.
The Hon'ble SIR NILRATAN SARKAR, KT.
The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.
The Hon'ble MR. AMINUR RAHMAN.
The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.
The Hon'ble MR. J. W. HELY HUTCHINSON.
The Hon'ble MR. PROVASH CHUNDER MITTER.
The Hon'ble BABU SIV NARAYAN MOOKERJEE.
The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.
The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.
The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.
The Hon'ble RAI RADHA CHARAN PAL BAHADUR.
The Hon'ble MR. F. W. CARTER, C.I.E., C.B.E.
The Hon'ble MR. W. E. CRUM, O.B.E.
The Hon'ble MR. B. E. EDEN.
The Hon'ble MR. H. R. A. IRWIN, C.I.E.
The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.
The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.
The Hon'ble KHAN SAHIB AMAN ALI.
The Hon'ble BABU BHABENDRA CHANDRA RAY.
The Hon'ble MR. ALTAF ALI.
The Hon'ble BABU AKHIL CHANDRA DATTA.
The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.
The Hon'ble BABU SURENDRA NATH RAY.
The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.
The Hon'ble MR. K. B. DUTT.
The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

LIST OF BUSINESS—ITEM No. 1.

STARRED QUESTIONS.

The following questions which had been starred were put and answered :—

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*1.

Supply of seed potato to cultivators.

Will the Government be pleased to lay on the table a statement showing the following details regarding the supply of seed potatoes by the Agricultural Department each year from 1912 to 1917?

(a) (i) How many foreign seed potatoes were purchased by the Agricultural Department;

(ii) what was the actual expenditure; and

(iii) how were they distributed and with what results?

(b) (i) What quantity of seed potatoes were supplied from the Calcutta market;

Questions and Answers.

(*ii*) at what price per maund were they purchased in Calcutta; and

(*iii*) at what rate had the buyers to pay for them?

(*c*) (*i*) What quantity was actually purchased each year at Darjeeling and what quantity was supplied to the buyers?

(*ii*) at what price were potatoes purchased at Darjeeling and at what rate were they supplied to buyers; and

(*iii*) what were the items of extra charges over the market price of potato at Darjeeling and how much was charged per maund under each head?

(*d*) (*i*) What was the total expenditure incurred each year for the potato supply, and how were they met?

(*ii*) what amount was advanced each year by the Agricultural Department for this purpose and from what grant;

(*iii*) what amount was advanced each year by the Divisional Commissioners and District Boards for the cultivators and whether this was realised and refunded;

(*iv*) what amount was advanced each year by the Co-operative Banks and what quantity of potatoes was supplied through each Bank in each year;

(*v*) what amount was actually advanced, each year, directly by the growers and how much was thus obtained from each district each year; and

(*vi*) is there any special grant in the budget of the Agricultural Department for supplying seed potatoes to cultivators? If so, what was the grant for each year? If there is no such special grant, from what grant was the expenditure for potato supply met?

(*e*) What were the names of the contractors who supplied seed potatoes to the Agricultural Department each year and what were the conditions of the contracts with them?

Answer by the Hon'ble MR. KERR :—

"The compilation of the figures asked for involves very considerable labour. Government have considered it sufficient to have information compiled only for the years 1916 and 1917 instead of for the 6 years for which figures have been asked.

(*a*) (*i*) (*ii*) (*iii*) No foreign seed potatoes were purchased or supplied.

(*b*) (*i*)

	Maunds	Seers.
1916	193	33
1917	87	20

(*ii*)

1916	Rs. 7-8 to Rs. 8	Eight annas per maund above market rate was paid on the condition that the Department might select the potatoes.
1917	Rs. 7 to Rs. 7-4	

(*iii*)

	1916.	1917.
Cost price	Rs. 7-8 to Rs. 8	Rs. 7 to Rs. 7-4
Packing and cooly charges ...	6 to 8 annas	8 annas
Seed store charges	Nil	Re. 1
Railway or steamer freight ...	According to destination.	

N.B.—A seed store charge was added in 1917 on the orders of Government to meet the cost of rent and establishment for seed stores.

Questions and Answers.

(*c*) (*i*) In 1916. 3,545 maunds 25 seers and in 1917, 2,800 maunds 39 seers were purchased and supplied to buyers. These figures do not include the potatoes brought by dealers and rejected on selection as unfit for seed.

(*ii*) Potatoes were purchased in Darjeeling in 1916 at Rs. 7 to Rs. 9 per maund and in 1917 at Rs. 7-4 per maund. Rupee 1-8 per maund above the market rate was paid on the condition that the Department might select the potatoes.

(*iii*) Rates to buyers—

	1916.	1917.
Cost price	Rs. 7 to Rs. 9	Rs. 7-4
Packing and cooly charges	9 annas	7 to 14 annas
Seed store charges	Nil	Re. 1
Railway or steamer freight	According to destination.	

(*d*) (*i*)

	Rs.	A.	P.
1916	38,643	8	6
1917	29,591	12	6

The expenditure was met from departmental funds, from advances received from purchasers, and from payment on sale.

(*ii*)

	Rs.	A.
1916	14,536	2
1917	Nil	

In 1916 the amount was advanced from the grant under the head 'Other demonstrations and experiments.'

(*iii*)

1916	Nil by Commissioners. The District Board of 24-Parganas advanced Rs. 500, of which Rs. 50 are outstanding.
1917	Nil by Commissioners. The District Boards of Dinajpur and Jalpaiguri each advanced Rs. 1,000. Of these advances, Rs. 840 are outstanding in Dinajpur and Rs. 400 in Jalpaiguri. The District Board of 24-Parganas advanced Rs. 700, of which Rs. 443 are outstanding.

(*iv*) In 1916 Rs. 6,720 were advanced by Co-operative Banks in Dacca Division. In 1917 Rs. 1,868-13-3 were advanced by Co-operative Banks in Dacca and Rajshahi Divisions. The quantities of potatoes supplied through individual Banks were as follows :—

1916.	MDS.	SRS.
Ramnagar	39	0
Kanaipur	14	0
Jamalpur	236	0
Madaripur	75	14
Faridpur	112	14
1917.		
Madaripur	21	20
Faridpur	83	20
Gopalganj	35	0
Malda	30	0

Questions and Answers.

(v)

1916. District.		Rs.	A.	P.	1917. District.		Rs.	A.	P.
Jessore	...	75	8	0	Dacca ...	...	1,450	0	0
24-Parganas	...	179	0	0	Mymensingh	...	1,390	0	0
Nadia ...	...	34	0	0	Faridpur ...	...	2,120	2	5
Murshidabad	...	36	0	0	24-Parganas	...	80	0	0
Bankura	...	90	12	0	Khulna ...	...	15	0	0
Birbhum	...	141	12	0	Bankura ...	...	162	4	0
Burdwan	...	28	12	0	Birbhum ...	...	108	0	0
Hooghly	...	117	8	0	Midnapur	...	44	12	0
					Burdwan ...	...	20	0	0
					Hooghly ...	...	10	0	0

(vi) There is no special grant for potatoes. The expenditure was met from the head 'Other demonstrations and experiments.'

(e) No contractor was employed. Tenders were invited in 1916 and one was accepted. The tenderer demanded an advance which was refused and he declined to supply. The difficulty in working with a contractor is due to the fact that Darjeeling potatoes are peculiarly liable to rot, and rigid selection is necessary."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*2.

Will the Government be pleased to lay on the table the following information in connection with the distribution of selected *Kakya Bombai* jute seed and selected *Indrasail* paddy seed in 1917 and in 1918, separately? Supply of jute seed and *Indrasail* paddy

(a) Regarding the supply of jute seed :—

(i) what quantity of jute was distributed each year, how much was grown on the Government farms and how much was procured from outside;

(ii) what was the cost of purchasing jute seed;

(iii) how many cloth bags were required for the distribution of jute seed; and what was the size of each bag, and what was the cost of purchasing or preparing them;

(iv) what was the total amount spent for packing and despatching the jute seed bags and how much was paid as railway freight; and

(v) how many bags were distributed in each district?

(b) Regarding the supply of *Indrasail* paddy :—

(i) what quantity of *Indrasail* paddy was distributed in 1917 and also in 1918;

(ii) what was the cost of purchasing the paddy seed;

(iii) how many gunny bags were required for distributing the paddy seed and what was the size of the bag and how much was paid for each of them;

(iv) what was the cost of packing and despatching the paddy bags, and how much was paid as railway freight; and

(v) how many paddy bags were supplied in each district?

Answer by the Hon'ble MR. KERR :—

"a (i)

					Maunds.	Seers.
1917	...	...	...	...	99	21
1918	...	...	...	...	836	0

Questions and Answers.

The whole quantity was specially grown for the department in Bihar and Assam.

(*ii*)

	Rs.	A.	P.
1917	933	11	3
1918	9,574	0	6

These figures include railway freight from Bihar and Assam and in 1918 the cost of disinfecting the seed.

(*iii*) In 1917, 31,848 bags 6 inches by 5 inches to hold 2 chittaks of seed each were used: 4,000 bags to hold 2 seers each were used for the transport of the small bags. In 1918, 277,120 bags 5 inches by 4 inches to hold 2 chittaks of seed each were used: in 1918 the larger bags used for transport in the previous year were dispensed with. The cost of the bags was—

		Rs.	A.
1917	2 seer bags	1,990	8
	2 chittak bags	500	0
1918	2 chittak bags	4,330	0

(*iv*)

	Packing and despatching.			Freight.		
	Rs.	A.	P.	Rs.	A.	P.
1917	216	7	6	58	14	6
1918	2,317	1	6	888	5	6

(*v*)

District.	1917.	1918.
Dacca	16,000	48,000
Mymensingh	15,528	48,000
Faridpur	320	24,000
Barisal	...	12,800
Comilla	...	22,840
Noakhali	...	3,080
Rajshahi	...	6,400
Rangpur	...	59,200
Dinajpur	...	6,400
Jalpaiguri	...	6,400
Malda	...	6,400
Pabna	...	8,000
Bogra	...	25,600
	31,848	277,120

b (*i*)

	Maunds.	Seers.
1917	1,824	5
1918	4,981	0

(*ii*)

	Rs.	A.	P.
1917	2,000	0	0
1918	2,225	12	0

Most of the seed was grown at the Government farms.

(*iii*) In 1917, 14,353 bags costing one anna six pies each were used and in 1918, 39,848 bags costing two annas nine pies each were used. The bags held five seers of paddy each and measured about 1 foot 8 inches by 1 foot. For transporting these small bags, 2,000 large bags at four annas six pies each and 4,367 large bags at four annas each were used in 1917 and 1918, respectively.

Questions and Answers.

(*iv*) **Apart from the cost of bags the following expenditure was incurred—**

	Packing and despatching.			Freight.		
	RS.	A.	P.	RS.	A.	P.
1917	917	12	0	240	9	0
1918	3,527	7	6	2,237	2	0

(*v*)

District.	1917.	1918.
Dacca	6,725	5,800
Mymensingh	7,512	5,800
Faridpur	76	360
Barisal	40	3,600
Chittagong	30	4,404
Noakhali	...	2,063
Comilla	...	3,029
Rajshahi	...	2,848
Rangpur	...	4,400
Dinajpur	...	640
Jalpaiguri	...	800
Malda	...	640
Pabna	...	400
Bogra	...	4,960
	14,353	39,848

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 3.

Will the Government be pleased to state the decision of the special committee appointed in April, 1904, under Bengal Government Resolution No. 236 T.—M. to examine the working of the septic tank installations in Bengal in respect of the following matters :— Report on the septic tank installations special committee of 1904.

(*a*) whether the report submitted by the committee was complete and final? If not, the reasons for the submission of a provisional report; and

(*b*) the conclusions of the committee regarding—

(*i*) the bacterial analysis,

(*ii*) the survival of pathogenic bacteria, and

(*iii*) the extent of pollution caused by effluents (from septic tank latrines) discharged into the Bhagirathi in the districts of Hooghly, Howrah and 24-Parganas which have not been bacteriologically purified by up to date scientific methods?

Answer by the Hon'ble MR. O'MALLEY :—

" A copy of the report of the Special Committee appointed in 1904 is laid on the table. The Hon'ble Member's attention is invited to paragraphs, 4, 8—11 and 14 of the report."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 4.

Will the Government be pleased to state the extent of pollution by effluents (from septic tank latrines) which are now discharged into the rivers in the district of Dacca? Pollution of Dacca rivers by septic tank latrines.

* Not printed in these Proceedings.

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"Government have no information as to the pollution of rivers in the Dacca district by the effluents of septic tank installations, but they are advised that pollution from this source, if any, must be of very small extent and that there is extensive fæcal pollution from other sources."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 5.

Purchase of the Police Hospital in Amherst Street by the Marwari community.

(*a*) Will the Government be pleased to state whether the offer of the Marwari community has been accepted by Government regarding the purchase of the Police Hospital, Amherst Street, Calcutta?

(*b*) If not, are the Government considering the desirability of causing an inquiry to be held by the Surgeon-General to the Government of Bengal and the Sanitary Commissioner, Bengal, regarding the sanitary condition of the buildings in Amherst Street and the Dullunda House, with a view to reconsider the matter for the location of the Police Hospital, Calcutta?

Answer by the Hon'ble MR. KERR :—

"(*a*) The offer has been accepted.

(*b*) The question does not arise. The Amherst Street hospital has been condemned by the Surgeon-General as entirely unsuitable for the purposes of a police hospital. The Dullunda buildings will only be used temporarily, pending the erection of a new hospital on a site at Bhowanipur, which has already been acquired."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

* 6.

Cases of pocket-picking in certain sections of the Calcutta Tramways Company.

(*a*) Are the Government aware that a large number of cases of pocket-picking takes place in the Kalighat, Chitpore and Harrison Road sections of the Calcutta Tramways Company?

(*b*) Are the Government aware that a large number of carriages of tram-cars have only one exit and no entrance?

(*c*) Is it a fact that female passengers who travel by the Kalighat section are caused much inconvenience owing to the overcrowding of passengers near the exit of such cars?

(*d*) Are the Government considering the desirability of causing an inquiry to be made by the Commissioner of Police, Calcutta, into the matter with a view to introducing the Bombay system in regard to the exit from, and entrance into, the cars, as soon as possible?

Answer by the Hon'ble MR. KERR :—

"(*a*) Cases occur in all sections and are not confined to the sections named. They are most numerous at the tramway termini.

(*b*) It is a fact that a large number of tramcars have only one exit, which is also used as an entrance.

Questions and Answers.

(c) Yes. All passengers suffer some inconvenience when the cars are overcrowded.

(d) The Commissioner of Police will be asked to communicate with the Tramways Company on the subject, but it would be impossible for them to alter the construction of their cars or to secure new cars at present owing to the war."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 7.

(a) Is it a fact that passengers, especially by steamers, at Goalundo, are put to great hardship for want of a suitable rest-house there? Rest-house for passengers at Goalundo.

(b) If so, do the Government contemplate taking steps for the erection of a suitable rest-house for such accommodation?

Answer by the Hon'ble MR. COWLEY :—

" (a) No representations have been made to Government or to the Eastern Bengal Railway or to the Inland Steamer Companies that passengers are put to great hardship for want of a suitable rest-house at Goalundo.

(b) Inasmuch as the railway terminus at Goalundo and the steamer ghat are not at any fixed site but may be at any point on the river bank within a stretch of 10 to 15 miles of the river, it is obvious that the construction of a rest-house, at any one particular site, would be of little or no use. Government do not intend to take any action in the matter."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

* 8.

(a) Will the Government be pleased to state if there is any possibility of a railway connection at an early date between Nator station on the Eastern Bengal Railway and Rampur-Boalia, the headquarters station of the Rajshahi district, for which repeated representations have been made to Government? Railway connection between Nator station and Rampur-Boalia.

(b) If not, are the Government considering the desirability of sanctioning the construction of a tramway line by the Rajshahi District Board either direct or under a guarantee system for the immediate relief of the people of Rajshahi?

Answer by the Hon'ble MR. COWLEY :—

" (a) When proposals for railway development north of the Ganges were last under consideration by the Secretary of State, they included a railway connection between Nator on the Eastern Bengal Railway main line and Rampur-Boalia. As regards this particular connection, the Secretary of State decided that further examination in detail was required. A reconnaissance survey for a line of railway on a 2′ 6″ gauge from Rampur-Boalia to Nischindpur *via* Nator has since been sanctioned, to be carried out by the agency of the Eastern Bengal Railway; but the Government of Bengal are not aware of the result of that reconnaissance. In the circumstances, there does not appear to be any likelihood of the construction in the immediate future of a railway between Nator and Rampur-Boalia.

(b) No."

Questions and Answers.

UNSTARRED QUESTIONS.

(*Answers to which were laid on the table.*)

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

I.

Union Committees in the Mymensingh and Bakarganj Districts.

(*a*) How many Union Committees, if any, are there in the districts of Mymensingh and Bakarganj?

(*b*) Will the Government be pleased to state the reasons why there has not been any progress made in this matter in these two districts of the Dacca Division?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) and (*b*) No Union Committees have been established in the districts of Mymensingh and Bakarganj, chiefly because the District Officers have been so overburdened with work that they have not had time to organize them."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

II.

Cases instituted against one Jaharuddin of Burirchar in Bakarganj.

Will the Government be pleased to state the exact number of civil and criminal cases instituted every year by the Nawab of Dacca's estate against one Jaharuddin, tenant of Burirchar in Amtali thana in Bakarganj district, since Mr. Meyer's incumbency as Agent at Barisal and the exact amount spent yearly and the cost decreed against and realised from Jaharuddin in such suits?

Answer by the Hon'ble MR. KERR :—

"Litigation with Jaharuddin's father commenced in 1894 or more than ten years before Mr. Meyer took charge. Jaharuddin or his sons were convicted and sentenced to terms of imprisonment in four criminal cases before Mr. Meyer's incumbency. Since then Jaharuddin has been convicted and sentenced to terms of imprisonment in five criminal cases. These criminal prosecutions were instituted in consequence of Jaharuddin and his relatives obstructing the authorities or committing other criminal acts in open defiance of legal orders of courts. Jaharuddin is said to be undergoing at present a term of three years' imprisonment in a case not directly connected with the estate. Many civil suits were filed against Jaharuddin by the estate, but the particulars asked for cannot be furnished as the accounts of the Ailah cutcherry for 12 years have been deposited in the Court of the Subordinate Judge, Dacca; nor, in the opinion of Government, will it serve any public purpose to furnish more details of Jaharuddin's career of lawlessness and defiance of authority."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

III.

The Nawab of Dacca's Estate ...m launch at Barisal.

Is it a fact that a steam-launch is maintained at Barisal ghat for the estate purpose? How much does it cost annually? For how many days from 1907 to the 31st March, 1918, was she out from the Barisal Ghat for the estate purposes?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

"Full information has not yet been received. The answer to the question will be given at the next meeting."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

IV.

(*a*) When was the first year survey class re-opened in connection with the Dacca School of Engineering, and how many students have been on its roll since then? The Dacca College of Engineering.

(*b*) What is the present number of students on the rolls of the different classes at the Mainamati Land Survey School?

(*c*) Is it a fact that the passed students of the first year survey class at Dacca have to join the Mainamati school for further study? If so, do the Government consider this arrangement suitable for the Dacca students?

(*d*) Have the Government ascertained how far it is possible for survey students at Dacca to prosecute their further studies thus at Mainamati at a comparatively heavy cost?

(*e*) What percentage of the first year students at Dacca have joined or are likely to join the Mainamati school for further studies?

(*f*) (*i*) Are the Government considering the desirability of opening the second year survey class at Dacca from the next session?

(*f*) (*ii*) What net additional cost would this entail?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) The class was re-opened in July 1917. There were 24 students on the rolls in July 1918.

(*b*) The number in the first year class is 17 and in the second year class 9.

(*c*) On the completion of the course at Dacca, students are eligible for admission to the second year class of the Survey School at Mainamati, provided they satisfy a test as to their qualifications in English. This arrangement is considered suitable.

(*d*) No difficulty is apprehended, and the cost of studying at Mainamati is not heavy.

(*e*) The information is not available as the final examination at Dacca will not be held till September, 1918.

(*f*) (*i*) No.

(*f*) (*ii*) This cannot be calculated with any degree of accuracy as it would depend on many contingencies."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

V.

With reference to the answer to my unstarred question No. XXXVI of the 4th September, 1917, will the Government be pleased to state in how many instances during the last twelve months, sheds and waiting-rooms at the steamer stations in Eastern Bengal and screened accommodation for 3rd class female passengers and latrine arrangements for inter-class female passengers on board steam-vessels have been provided? Accommodation for female passengers on steamers.

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

" Owing to the scarcity of materials and the abnormal rise in prices, the Inland Steamer Companies have not been able to take up any programme for the construction of sheds or waiting rooms at steamer stations in Eastern Bengal. Screened accommodation for 3rd class female passengers has been provided for the 10 steamers employed on the Khulna-Narayanganj Mail Service and the Khulna Express Service, and it is hoped that further progress in this direction will be made shortly.

The Companies report to Government that they do not consider it feasible to arrange latrine accommodation for females in the space allotted to inter-class passengers. The present latrine accommodation is, however, clean and sanitary. As stated in answer to the Hon'ble Member's question No. XXXVI on the 4th September, 1917, latrines for inter-class female passengers have been provided in the designs for new steamers."

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

VI.

nitary Inspectorships.

(*a*) Is it true that in some instances Sanitary Inspectors could not be appointed for want of qualified candidates?

(*b*) Is it a fact that Sanitary Inspectors are recruited from Overseer classes? If so, for what reason?

(*c*) What are the requisite qualifications for Sanitary Inspectorships? What special training do the Sanitary Inspectors receive?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Yes. The reason is the paucity of candidates who passed the sanitary engineering portion of the examination after the session of 1916. It was accordingly decided that only passed sub-overseers would be admitted to the class as men without their training appeared to be unable to reach the standard required.

(*b*) The Hon'ble Member is referred to the reply to clause (*a*).

(*c*) A copy of notification No. 104 T., dated 16th October, 1915, is laid on the table."

Notification referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. VI (unstarred) asked by the Hon'ble* BABU BRAJENDRA KISHOR RAY CHAUDHURI *at the Council Meeting of the 3rd September, 1918.*

NOTIFICATION.

No. 104T.—San.—The 16th October 1915.—In exercise of the power conferred by section 349-F. of the Bengal Municipal Act, 1884 (Bengal Act III of 1884), as amended by Bengal Act II of 1914, the Governor in Council is pleased to make the following rules prescribing for the Municipalities outside Calcutta, in which Part XIB of the Bengal Municipal Act, 1884, as so amended, is in force :—

Calcutta.

(*a*) the qualifications of candidates for employment as Health Officers and Sanitary Inspectors, and

Questions and Answers.

(*b*) the division of Health Officers and Sanitary Inspectors into classes or grades according to their qualifications.

Health Officers.

1. For the purposes of these rules, Health Officers are divided into two classes, first and second.

2. A candidate for the post of a Health Officer of the first class must have a registrable medical qualification and also a British diploma in public health.

3. (*1*) A candidate for the post of a Health Officer of the second class must have a registrable medical qualification, and unless he holds a diploma in public health, he will also be required, before being actually employed as such Health Officer,

(*a*) to undergo a training of six months during which he must—

(*i*) attend twenty lectures and six demonstrations on Hygiene to be delivered by the Sanitary Commissioner, Bengal,

(*ii*) show a minimum of thirty satisfactory attendances with a Municipal Health Officer, to be nominated by the Sanitary Commissioner for the purpose, and

(*iii*) on obtaining a certificate of such attendances attend, in addition, special courses in—

(*a*) Vaccination,

(*b*) Vital Statistics,

(*c*) Sanitary Law, and

(*d*) Anti-malarial work,

to be conducted by a Sanitary Officer of Government, and

(*b*) to produce a certificate of such training from the Sanitary Commissioner, Bengal.

(*2*) The fee for attending the courses mentioned in rule 3, sub-rule (*1*), clause (*iii*), will be Rs. 50 unless the candidate is sent on deputation for training by a Municipality.

4. The salary of a Health Officer of the first class is fixed at Rs. 300 per mensem rising to Rs. 500 per mensem by an annual increment of Rs. 20, but in exceptional cases higher rates of pay may be allowed.

5. The salary of a Health Officer of the second class is fixed at Rs. 150 per mensem rising to Rs. 300 per mensem by an annual increment of Rs. 10.

Sanitary Inspectors.

1 For the purposes of those rules, Sanitary Inspectors are divided into two grades, higher and lower.

2. Sanitary Inspectors of the higher grade will be selected from candidates who have obtained the certificate of the Royal Sanitary Institute, after having gone through special courses of training in England or in India required for that purpose, or they may be appointed by promotion from the lower grade.

Questions and Answers.

3. Every candidate for the post of a Sanitary Inspector of the lower grade when making his application must produce—

(*a*) evidence of good character ;

(*b*) a certificate of physical fitness from a registered medical practitioner ;

(*c*) a certificate signed by the Sanitary Commissioner showing that—

(*i*) he has attended a course of lectures and practical training in Hygiene and Sanitary Engineering in the subjects mentioned in rule 4, under the direct supervision of the Sanitary Commissioner and the Sanitary Engineer, Bengal, extending over a period of at least eight months, and

(*ii*) he has duly passed an examination in such subjects.

4. (*1*) The course of lectures and training referred to above shall cover the following subjects :—

I. Hygiene—

(*i*) a course of hygiene ;

(*ii*) a short course, with demonstrations, on the manufacture and preservation of calf vaccine.

(*iii*) a course of 10 lectures and demonstrations on the common skin diseases and infectious diseases of animals ;

(*iv*) a short course, with demonstrations, on the theory and practice of disinfection.

II. Minor Sanitary Engineering—

(*i*) drawing office and simple surveying ;

(*ii*) latrines, trenching-grounds, etc. ;

(*iii*) elementary principles of building construction ;

(*iv*) elementary principles of water-supply ;

(*v*) elementary principles of drainage ;

(*vi*) practical demonstration of Sanitary Engineering works in Calcutta and neighbouring municipalities.

(*2*) The inclusive fee for the complete course and the final certificate examination shall be Rs. 30.

5. The salary of a Sanitary Inspector of the higher grade is fixed at Rs. 100 per mensem rising to Rs. 150 per mensem by an annual increment of Rs. 5 ; and the salary of a Sanitary Inspector of the lower grade is fixed at Rs. 50 per mensem rising to Rs. 100 per mensem by an annual increment of Rs. 5.

K. C. DE,

Offg. Secy. to the Govt. of Bengal.

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

VII.

In view of the reply of Government to clauses (*i*) and (*ii*) of my starred question No. 1 of the 14th March, 1918, will the Government be pleased to state— Grants-in-aid to schools.

(*i*) the names of those schools applications from which for grants-in-aid were rejected during 1917-18;

(*ii*) the period of their existence before applications for grants-in-aid were submitted;

(*iii*) whether, notwithstanding the Government reply that the grants-in-aid allotment at the disposal of the Inspectress of Schools had been hypothecated for existing schools, new grants-in-aid were made during 1917-18, and if so, what were the special reasons therefor; and

(*iv*) the exact amount of travelling allowance drawn by the Assistant Inspectress of Schools for *zenana* work and for Muhammadan education, as shown in the travelling bills, for visiting other than Muhammadan girls' school and *zenana* work during the official year 1917-18?

Answer by the Hon'ble MR. O'MALLEY :—

(*i*) and (*ii*) The following statement gives the information asked for :—

	Name of school.	When started.	When application for grant-in-aid was first received.
1.	Giridharipur Girls' School ...	June 1917	December 1917.
2.	Chanak Girls' School	February 1917	May 1917.
3.	Parisha Girls' School	March 1916	June 1917.
4.	Karuli-Katipara Girls' School ...	1845	May 1917.
5.	Tamluk Mission Girls' School ...	1903	June 1917.

Nos. 4 and 5 are not of recent origin, as was previously stated under a misapprehension.

(*iii*) A supplementary grant was sanctioned during the latter part of the year 1917-18, out of which new grants were given to some of the most deserving schools

(*iv*) A sum of Rs. 40-14 only was drawn by the Assistant Inspectress of Schools for *zenana* work and Muhammadan education for visiting schools other than Muhammadan schools and *zenana* work during the official year 1917-18.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

VIII.

(*a*) Are the Government aware of certain irregularities and acts of official interference which are stated to have attended the last general election of the Kalna Local Board in the district of Burdwan? If so, will the Government be pleased to make a statement with regard to the matter? Election in the Kalna Local Board.

Questions and Answers.

(*b*) Is it a fact that Babu Ashutosh Deb, Circle Officer of Kalna, prepared the voters' list and that upon applications being made to the Collector for correction of the list, they were sent to the said Circle Officer for disposal and most of them were rejected by him?

(*c*) What was the total number of applications so made and how many of them were rejected?

(*d*) Is it a fact that the Kalna Local Board was under a non-official Chairman for some time?

(*e*) Are the Government aware of an allegation that undue influence was used for the purpose of getting the Subdivisional Officer elected as Chairman of the Local Board?

(*f*) Are the Government aware that a memorial has been addressed to the Commissioner of the Burdwan Division making certain allegations in regard to this matter? Has any inquiry been made into them? If so, with what results?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) In a petition signed by four gentlemen, of whom three were unsuccessful candidates at the last general election of the Kalna Local Board, it was alleged that the Circle Officer had manipulated the preparation of the register of voters and exercised his official influence to secure the election of his own nominees.

(*b*) Babu Ashutosh Deb, Circle Officer of Kalna, prepared the voters' list. Applications for correction of the register were sent to the Subdivisional Officer, of which some were enquired into by him and some by the Circle Officer. It is not a fact that the Circle Officer rejected most of the applications.

(*c*) The total number of applications received was 9, of which 4 were rejected.

(*d*) Yes.

(*e*) Yes.

(*f*) An inquiry has been made by the Commissioner and the allegations have been found to be groundless."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

IX

Opening of vernacular classes in certain Medical Schools.

(*a*) Have there been any proposals for opening vernacular classes in connection with the Campbell Medical School or the Dacca Medical School?

(*b*) If so, what progress has been made in this direction?

Answer by the Hon'ble MR. KERR :—

" (*a*) and (*b*) The specific case of these two schools has not been the subject of any particular proposal. In 1916-1917 there was a general discussion of the question of vernacular education, arising out of a resolution moved in the Imperial Legislative Council by Dr. M. N. Banerjee. The local Government was consulted by the Government of India, and a reply was submitted on the 2nd June 1917. It is not known what further action is contemplated by the Government of India in the matter."

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

X.

(*a*) Is it a fact that in the Budgets of the District Boards the unspent balances are not usually shown as separate items under the various heads? Unspent balance of District Boards' Budgets.

(*b*) Are these and other details regarding the framing of the Budget governed by rules made by Government or by any discretion vested in the various Boards?

(*c*) If it is a fact that there is no uniformity of practice in the matter of these details, among the different District Boards, are the Government considering the desirability of taking steps to ensure such uniformity?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Yes.

(*b*) They are governed by rules made by Government under section 138, clause (*i*), of the Local Self-Government Act.

(*c*) The practice is uniform."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XI.

With reference to the orders of the Government of India regulating the purchase of Government stores in India and in England, will the Government be pleased to state how far they have been amended since the outbreak of the war, and with what practical result so far as Bengal is concerned? Purchase of Government stores in India and in England.

Answer by the Hon'ble MR. KERR :—

"The rules* regulating such purchases before the war and certain amendments since made are laid on the Library table. It is impossible to summarise the result of these orders, but, speaking generally, the action of the Indian Munitions Board has been greatly to diminish indents on the United Kingdom for articles which can be procured in India of suitable quality and quantity."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XII.

(*a*) Is it a fact that the services of the Government Inspectors of Schools are utilised by the University of Calcutta for inspecting the High Schools for purposes of recognition by the University? Utilisation of the services of the Government Inspectors of Schools by the Calcutta University.

(*b*) If so, has the Director of Public Instruction any function to discharge in connection with such inspections made by Inspectors on behalf of the University?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Yes.

(*b*) The Director of Public Instruction forwards copies of the inspection reports to the University with such remarks as he thinks necessary."

* Not printed in these Proceedings.

Questions and Answers.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XIII.

Instructions by the Director of Public Instruction as to inspection of High Schools.

(*a*) Is it a fact that instructions have been issued by the Director of Public Instruction for the guidance of Inspectors of Schools in regard to such inspections? If so, will the Government be pleased to lay them on the table?

(*b*) Was the University consulted before these instructions were issued? If not, under what authority were they issued?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) Yes. A copy of Director of Public Instruction's letter No. 2253-2259 G., dated 25th April, 1918, is laid on the table.

(*b*) No. They were issued by the Director of Public Instruction as it was found necessary to insist that the reports of Inspectors should contain all the information required by the University regulations and also to secure some uniformity of standards."

No. 2253-2259G., dated Calcutta, the 25th April, 1918.

From—The Director of Public Instruction, Bengal,

To—The Inspector / Inspectress of Schools, Presidency Division. / Burdwan Division. / Dacca Division. / Rajshahi Division. / Chittagong Division. / Presidency and Burdwan Division. / Dacca Circle.

I AM directed to address you on the subject of the points to be noticed in inspection notes on High English Schools for the purposes of recognition by the University of Calcutta.

2. It appears that in many inspection reports some of the important points are not at all touched upon or not dealt with properly. It will facilitate matters if the reports are drawn up strictly in accordance with the heads of information indicated in the University Regulations. It is also desirable that the inspecting officers should devote special attention to the points noted below, several of which are frequently overlooked altogether :—

(1) The managing committee should consist of not more than 10 members, be representative of various communities, meet regularly, have a set of rules approved by the Divisional Inspector of Schools for guidance and have control over the school property, *i.e.*, the property of the school must be vested in the committee by a deed of gift.

(2) *Staff.*—The number of teachers should be sufficient to allow each teacher one free period per day while the Headmaster should not teach for more than 20, preferably 18, periods per week.

There should be arrangements for translation from Sanskrit and Persian or Arabic into English.

The list of staff should invariably show the length of service (*a*) as a teacher and (*b*) in the school.

Questions and Answers.

For a school comprising classes III to XX (with no extra section) the following should be the minimum scale of staff :—

		Rs.
(a)	Headmaster, B.A. (Honours)	75—5—100
(b)	Assistant Headmaster, B.A.	65—3—80
(c)	Assistant Master, F.A.	45
(d)	Ditto	40
(e)	Ditto	35
(f)	Ditto	30
(g)	Assistant Master, F.A. or Matriculate with at least 5 years' experience	25
(h)	Assistant Master, Matriculate, with at least 5 years' experience	20
(i)	Head Pandit, Sanskrit Title	25
(j)	2nd Pandit, Normal Final passed	20
(k)	Maulvi, Final Madrassa passed	25
		405—445

Note—

(i) One of the B.A.'s must have taken Honours in English.

(ii) One of the English teachers should be a B.Sc. or I.Sc.

(iii) Wherever possible and necessary one of the F.A.'s should be a Muhammadan capable of taking translation from Arabic or Persian into English.

(iv) In no High English School should there be more than 2 matriculates on the staff.

(v) On no consideration should the pay of a teacher in the High English School fall below Rs. 20 per month.

(3) Buildings must have pucca plinth, be well lighted and ventilated. The surroundings must be unobjectionable and equipment adequate.

Note—

Lighting and ventilations should proceed from the longer side of the room, if possible ; boys should on no account sit facing the light.

(4) *Furniture.*—Desks must be provided in all classes at 1 foot 8 inches per boy.

(5) Accommodation should be provided at the minimum rate of 10 sq. ft. per boy in every class room. The area in sq. ft. and the number of boys accommodated in each class room should invariably be shown.

(6) *Sanitary arrangements.*—The standard to be aimed at should be :—

	Per 100 boys.	Staff.
(i) Latrines	1	1
(ii) Urinals	2	1

(7) There should be a regular monthly allotment of Rs. 5 for library. Up to 250 boys the scale should be Rs. 5 per month with Re. 1 extra for each 50 boys.

(8) Games should be properly organised and drill taught in all classes according to the curriculum.

(9) The residences of boys living with unrelated guardians should be regularly supervised at least once a quarter by members of the staff and reports submitted to the Headmaster.

Hostels and messes should provide accommodation at the minimum rate of 60 sq. ft. per boy, must be well ventilated and lighted and have a resident superintendent in each.

(10) *Finances.*—Where the fee income is inadequate to maintain an efficient scale of establishment, subscriptions must be definitely guaranteed : an endowment or reserve fund of at least Rs. 5,000 is desirable : the amount of surplus balance should be invariably stated and it should be deposited in a reliable Bank—preferably in the Postal Savings Bank.

3. Finally I am to request that your recommendations under each of the above heads should be definite and clear.

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XIV.

Teaching of Arabic, Persian and Urdu in the Hare School.

(*a*) Are the Government aware that in the Hare School there is only one Maulvi who has to teach Arabic, Persian and Urdu to the first, second, third and fourth classes?

(*b*) Are the Government aware of the difficulties which Muhammadan students undergo in studying Persian and Urdu in that school?

(*c*) Is it a fact that repeated representations have been made by guardians and students, and also by Head Masters to secure the appointment of another Persian teacher?

(*d*) Is it a fact that sometimes it happens that the present Maulvi has to take up as many as three or four classes at a time?

(*e*) Are the Government considering the desirability of taking steps to remove the grievance of Muhammadan students in this matter?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) One Maulvi has to teach Persian and Urdu but not Arabic in the first four classes.

(*b*) Yes.

(*c*) It is understood that representations have been made to the Principal of the Presidency College.

(*d*) Yes.

(*e*) The appointment of another Maulvi is under the consideration of the Director of Public Instruction, and his recommendations are awaited by Government."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XV.

Teaching of Urdu in the lower classes of the Hare School.

(*a*) Are the Government aware that there is no provision for the teaching of Urdu below the fourth class in the Hare School?

(*b*) Is it a fact that Urdu students are refused admission below the fourth class in consequence of there being no provision for the teaching of Urdu?

(*c*) Are the Government considering the desirability of taking steps to provide for the teaching of Urdu in the lower classes of the Hare School?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Yes.

(*b*) and (*c*) It is not the policy of the Education Department to allow Hindi or Urdu to be used as a medium of instruction in Government high schools other than specifically Muhammadan high schools in Bengal, and instructions were accordingly issued to the authorities of the Hare School by the Director of Public Instruction in 1915 to discourage the admission into class 5 and the classes below it of boys whose vernacular is Hindi or Urdu. A departure from this policy is not contemplated."

Questions and Answers.

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XVI.

Is it a fact that the number of Muhammadan students in the Hare School has been gradually falling off in the lower classes and has appreciably decreased during recent years? If so, will the Government be pleased to state the reason for the decrease in the number? Falling off of Muhammadan students in the Hare School.

Answer by the Hon'ble MR. O'MALLEY :—

"The following figures show the number of Muhammadan students in class V and lower classes for the last 6 years It will be seen that there has been no appreciable decrease in the number :—

31st March 1913	... ...	13
" " 1914	... ...	21
" " 1915	... ...	24
" " 1916	... ...	22
" " 1917	... ...	16
" " 1918	... ...	21"

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XVII.

(a) Are the Government aware that there is no refreshment room for Muhammadan boys in the Hare School, and that Muhammadan boys are consequently obliged to take their refreshments standing in the sun or sometimes in the rain? Refreshment room for Muhammadan boys in the Hare School.

(b) Do the Government contemplate taking steps to remove this grievance?

Answer by the Hon'ble MR. O'MALLEY :—

(a) Yes. Limitations of space have hitherto made it difficult to make arrangements for tiffin rooms for the students of various communities in the Hare School.

Proposals for erecting a tiffin shed are under consideration."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XVIII.

(a) Has the attention of the Government been drawn to the following passage in a leaderette in the *Indian Daily News* in its issue of the 27th July :— Publication of an offending passage in the *Indian Daily News*.

"Not far away the wayfarer descries an Arab with clear-cut features and a world of mysticism in his eyes gazing down into a gutter as reverently as if it were his Prophet's tomb"?

(b) Are the Government aware that the comparison suggested is regarded by Muhammadans as extremely blasphemous?

(c) Are the Government aware that the passage in question has seriously wounded the religious feelings of the Musalman community?

(d) Are the Government aware that the matter is attracting attention all over India and creating widespread excitement?

Questions and Answers.

(e) Are the Government aware that a public meeting under the auspices of the Bengal Moslem League was held at the office of the Indian Association on Sunday, the 11th instant, at which the people present gave vent to the feelings of resentment against the paper?

(f) Will the Government be pleased to state whether the Press Censor brought the matter to the notice of Government? If so, on what date?

(g) Will the Government be pleased to state whether any action has been taken against the paper under the Press Act? If not, why not?

Answer by the Hon'ble MR. KERR :—

"(a) Yes.

(b), (c) and (d) Government have received representations from various Muhammadan associations complaining that the feelings of the Muhammadan community have been wounded by the paragraph.

(e) Yes.

(f) The Press Censor first brought the matter to the notice of Government on the 14th August in connection with some articles which had appeared in certain Muhammadan newspapers, but the paragraph in the *Indian Daily News* had attracted the attention of Government before that date.

(g) Government have carefully considered the paragraph together with the explanation which was published in the *Indian Daily News* of the 22nd August, and are satisfied that the passage in question was not intended to hurt the religious feelings of the Muhammadan community. It was copied in all good faith from another journal, and cannot under any ordinary construction of the English language be regarded as intentionally offensive. It was part of an article, apparently meant to be complimentary, describing, in somewhat journalistic phraseology, the presence in Paris of certain Muhammadans from Africa. Whatever criticisms it is open to as regards its wording, the local Government accept as *bona fide* the explicit disclaimer by the journal of any intention of wounding the religious susceptibilities of any one. While Government have every wish to safeguard from unwarrantable attack the religious sentiments of the Muhammadan, or any other community, they can only conclude that much of the resentment aroused by this incident is based on a misunderstanding, and they are advised that the passage complained of does not infringe the Press Act and that no case for action under that Act would lie."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XIX.

Election of Babu Jogesh Chunder Mitter as Chairman of the Kalna Municipality.

(a) Are the Government aware that the Subdivisional Officer of Kalna canvassed for the election of Babu Jogesh Chunder Mitter, Sub-Registrar and a nominated Commissioner, as Chairman of the Kalna Municipality?

(b) Is it a fact that the Subdivisional Officer used undue influence with the accountant of his office to obtain the vote of his son, an elected Commissioner, for Babu Jogesh Chunder Mitter?

(c) Is it a fact that the Subdivisional Magistrate requested the Rev. Dr. Muir, M.D., of the Kalna Mission, to ask his assistant, a nominated Commissioner, to vote for Jogesh Babu and that the Rev. Dr. Muir refused to do so?

(d) Is it a fact that the District Magistrate did not approve the election of Jogesh Babu and did not allow him to hold office?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*), (*b*), (*c*) and (*d*) The Hon'ble Member is referred to the reply given to unstarred question No. LXVII at the meeting of the Legislative Council on 19th August, 1918.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XX.

(*a*) Will the Government be pleased to state whether applications were entertained both from Indians and Anglo-Indians for the posts of confidential clerks in the different District Intelligence Branches under the Government of Bengal? **Employment of clerks in Intelligence Branch offices.**

(*b*) If so, will the Government be pleased to lay on the table a statement containing the names of the applicants—

(*i*) who were outsiders, and

(*ii*) who were already in trusted service of Government,

with their respective qualifications?

(*c*) Have the applications of the Indians been rejected?

(*d*) If so, what is their number and the reasons for such rejection?

(*e*) Is it a fact that even after the appointments of Anglo-Indians, there were several cases in which their services had to be dispensed with for bad work?

(*f*) Will the Government be pleased to state the number of Hindus, Muhammadans and Anglo-Indians employed as confidential clerks in the different District Intelligence Branches under the Government of Bengal?

Answer by the Hon'ble MR. KERR :—

" (*a*) In the original advertisement which was issued in July, 1917, applications were invited from Europeans and Anglo-Indians only. In a further advertisement issued in December, 1917, no such restriction was made.

(*b*) The applications of all rejected candidates have been destroyed and the information is not available.

(*c*) Yes.

(*d*) As the applications were destroyed, the information is not available. The reasons for rejection were that the men who were rejected were not considered so suitable for the posts in question as the men who were selected.

(*e*) The services of three clerks were dispensed with as they were found unsuitable.

(*f*) At present 33 confidential clerks are employed in district intelligence offices. They are all Europeans or Anglo-Indians."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXI.

Will the Government be pleased to lay on the table a list of the mills— **Septic tank installations in mills.**

(*a*) where septic tank latrines are under construction; and

(*b*) which have received sanction for the construction of septic tank latrines but in which the work of construction has not commenced as yet?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY:—

"(a) Septic tank latrines are under construction at the following mills

(1) Gouripur Jute Mills.
(2) Empire ditto.
(3) Kelvin ditto.
(4) Standard ditto.
(5) Kehniam ditto.
(6) Baranagore ditto.
(7) Angus ditto.
(8) Sorrab ditto.
(9) Lansdowne ditto.

(b) The plans of septic tank latrines of the following mills have been passed or submitted for approval, but work has not yet commenced:—

(1) South Union Jute Mills.
(2) Albion Jute Mills."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR:—

XXII.

Working of the Bengal Factory Rules of 1912.

(a) Are "the Bengal Factories Rules of 1912" subject to the control of the Governor-General in Council?

(b) Have these rules received the sanction of the Government of India?

(c) If so, will the Government be pleased to state the date of such sanction?

(d) Have the Government any information regarding the method of working of the septic tank latrine installations under the Factories Rules in force in other provinces of India?

(e) Will the Government be pleased to state whether sub-rules (1), (2) and (3) of rule 19 of the Bengal Factories Rules are similar to those which are in force in other provinces of British India?

(f) If not, will the Government be pleased to state where they differ?

Answer by the Hon'ble MR. KERR:—

"(a) Yes.

(b) No. Such sanction was not required.

(c) The question does not arise.

(d), (e) and (f) It is understood that in no other province do the rules under the Indian Factories Act contain provisions as to the working of septic tank latrines."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR:—

XXIII.

Death of Mr. Bernard, I.C.S., and others.

Will the Government be pleased to lay on the table a copy of the report by the Sanitary or Deputy Sanitary Commissioner of Bengal regarding the cause of the death of Mr. Bernard, I.C.S., (late Commissioner of the Burdwan Division) and of Mrs. Bernard and others?

Answer by the Hon'ble MR. O'MALLEY:—

"A copy of the Sanitary Commissioner's letter No. 7341, dated 21st December, 1907, is laid on the Library table."

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* Not printed in these Proceedings.

Questions and Answers.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXIV.

Will the Government be pleased to lay on the table a copy of—

Inspection report of Serampore and Rishra-Konnagar Municipalities.

(*a*) the inspection reports of the Serampore Municipality dated the 30th August, 1912, by the Sanitary Commissioner, and the Deputy Sanitary Commissioner's inspection report forwarded with the same; and

(*b*) the inspection reports of the Rishra-Konnagar Municipality since the formation of the present Municipal Board since 1915?

Answer by the Hon'ble MR. O'MALLEY :—

"Copies* are laid on the Library table."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXV.

Admission into Medical Colleges in Calcutta.

Will the Government be pleased to state the total number of applications made this year for admission into the Medical College and the Belgachia Medical College, Calcutta, giving a classification of the different academical qualifications of applicants and of those admitted into these colleges?

Answer by the Hon'ble MR. KERR :—

A statement giving the information asked for is appended below :—

Qualifications.	* MEDICAL COLLEGE.		† BELGACHIA COLLEGE.	
	Number of candidates for admission	Number admitted.	Number of candidates for admission.	Number admitted.
1	2	3	4	5
M. Sc.	3	......	......	......
M. A.	1	1	......	......
B. Sc.	97	44 (*a*)	27	23
B. A.	26	9	3	1
I. Sc.	425	100 (*b*)	228	86 (*d*)
First M. B.	1	1	......	......
I. A.	99	12 (*c*)	166	11
Licentiate of the State Medical Faculty.	......	......	6	3
Matriculation passed ...	235	......	198	1 (*e*)
	887	167	628	125

* The M.Sc. candidates and several other highly qualified candidates did not join though selected for admission
† A number of those selected for admission (62 in all) eventually did not join.
(*a*) One each sent by the Bihar and Orissa and the Assam Governments.
(*b*) Seventeen sent by the Bihar and Orissa and 4 by the Assam Government.
(*c*) Two sent by the Assam Government.
(*d*) Includes two casual students.
(*e*) Casual student of last year.

* Not printed in these Proceedings.

Questions and Answers.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXVI.

Admission to the Sibpur Engineering College.

Will the Government be pleased to state the total number of applications made this year for admission into the different departments of the Sibpur Engineering College giving a classification of the different academical qualifications of applicants, with their respective nationalities, and of those admitted into this college?

Answer by the Hon'ble MR. O'MALLEY :—

" Admissions to some departments of the College are not made till November and a statement in respect of applications and admissions up to date must therefore be incomplete. Under these circumstances Government are not at present in a position to furnish the information asked for."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXVII.

Stock of *dhotis* and *saris* in various firms, etc., in Calcutta and elsewhere.

Will the Government be pleased to lay on the table a copy of the statement contained in the statistics taken by Government in July last regarding the stock of *dhotis* and *saris* (for use for females only) in the various firms and shops in Calcutta and elsewhere?

Answer by the Hon'ble MR. KERR :—

" The recent census of piece-goods was undertaken at the request of the Government of India, to whom the result was duly communicated, and the publication of the detailed figures rests primarily with them. It is believed that the returns received were not altogether complete, as some owners were in ignorance of the requirements of the order and others, possibly, deliberately evaded it. The actual stocks in hand were probably, therefore, somewhat larger than those returned, but allowing for the reduced rate of consumption now prevalent under the influence of high prices, it is estimated that there were in hand, and to arrive within the next few months, *dhotis* and *saris* sufficient for 12, and grey goods sufficient for 6, months. The estimate which has been hazarded in some sections of the press that stocks for two, or even three, years are available is certainly an exaggeration. However, since the census, it is understood that a considerable amount of forward business has gone through and to that extent the position has changed for the better."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXVIII.

Pocket-picking and lighting arrangements in Ramkrishnapur and Shalimar Ferry waiting-rooms.

(*a*) Are the Government aware that cases of pocket-picking often take place in the waiting-rooms of Ramkrishnapur and Shalimar Ferry Ghats?

(*b*) Is it a fact that no arrangements have been made for lighting the inside of these waiting-rooms?

(*c*) Are the Government considering the desirability of urging the Port Commissioners to make immediate arrangements for the proper lighting of these waiting-rooms?

Answer by the Hon'ble MR. COWLEY :—

" (*a*) Government are not aware of the facts stated.

(*b*) and (*c*) The Hon'ble Member is requested to address the Port Commissioners on the subject."

Questions and Answers.

By the Hon'ble MAULVI ABUL KASEM :—

XXIX.

(*a*) Will the Government be pleased to state whether it is a fact that a pleader has been engaged from Alipore to conduct the prosecution on behalf of the Government in the Burdwan municipal embezzlement case? Burdwan Municipal embezzlement case.

(*b*) Is it a fact that there are several members of the Burdwan Bar who are senior to the pleader engaged in this case and who have an extensive practice and whose services could be secured at a much lower fee than what is paid to the Alipore pleader?

Answer by the Hon'ble MR. DUVAL :—

" (*a*) Yes.

(*b*) Yes."

By the Hon'ble MAULVI ABUL KASEM :—

XXX.

(*a*) Will the Government be pleased to state— Duties of the Lady Adviser to the Court of Wards.

(*i*) what are the duties of the Lady Adviser to the Court of Wards.

(*ii*) in how many cases lady wards of the Court took advantage of the services of the Lady Adviser during 1917-18?

(*b*) Do the Government propose to ascertain from lady wards if they require the services of the Lady Adviser?

Answer by the Hon'ble MR. KERR :—

" (*a*) (*i*) The Lady Adviser is appointed for the help of *purdanashin* ladies and minors under the Court of Wards. Her duties towards them are to serve the ladies in any direction in which they may need advice or sympathy. and to help them in their personal difficulties, and in regard to the health and the education of themselves or their children.

(*ii*) Figures for 1917-18 are not yet available; the following are the figures for 1916-17 :—

(*a*) Consultations on visits paid by Lady Adviser	...	271
(*b*) Consultations on visits paid to Lady Adviser	...	53
(*c*) Consultations by letter ...	...	173
Total	...	497

(*b*) In view of the number of consultations shown in paragraph (*a*) (*ii*), Government consider it unnecessary to ascertain the views of the lady wards separately."

By the Hon'ble MAULVI ABUL KASEM :—

XXXI.

(*a*) Will the Government be pleased to state whether they propose to change the constitution of the municipalities and the district and local boards, in accordance with the resolution of the Government of India? Alteration in the constitution of Municipalities District and Local Boards.

(*b*) If so, when?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

"(a) and (b) The Hon'ble Member is referred to the reply given to unstarred question No. LXII at the meeting of the Legislative Council held on 19th August, 1918."

By the Hon'ble MAULVI ABUL KASEM :—

XXXII.

Registration of documents in Persian character at Dacca.

Will the Government be pleased to state—

(a) what number of documents in Persian character were presented for registration at the Dacca Sadar office in 1916, 1917 and 1918;

(b) who ordinarily registers these documents; and

(c) who registers them in the case of a Muhammadan officer, if any, who happens to be absent on leave or on tour or otherwise engaged?

Answer by the Hon'ble MR. KERR :—

"(a)

1916	399
1917	502
1918	355 (up to 21st August, 1918)

(b) The District Sub-Registrar, who is a Muhammadan officer.

(c) The Joint Sub-Registrar, assisted by the Muhammadan Bench clerk."

By the Hon'ble BABU SIV NARAYAN MUKERJEE :—

XXXIII.

Mr. Addams-Williams' investigation regarding the Damodar floods.

Will the Government be pleased to state—

(a) if it is in their contemplation to make public the result of Mr. C. Addams-Williams' investigations carried on during his tour in April last in portions of the tract affected by the Damodar floods;

(b) if Mr. Addams-Williams, in fulfilment of the promise held out by him to the people of Khanakul, in the Hooghly district during his inspection of the Sarda khal, visited the Rorah khal; and

(c) if as a result of such investigation, works in connection with the proposed improvements of that and the other waterways will be taken in hand in the winter?

Answer by the Hon'ble MR. COWLEY :—

"(a) The Hon'ble Member is referred to the answer given in this Council on the 3rd of July, 1918, to unstarrred question No. XXXIV (iii).

(b) Mr. Addams-Williams has not yet been able to inspect the Rohra khal, but he will inspect it when he has an opportunity to do so.

Questions and Answers.

(c) As a result of Mr. Addams-Williams' investigation, it is proposed to take up a project for the improvement of the Uchhi Nullah, provided the necessary hydraulic data can be obtained during the present monsoon. Up to date during this year, there has not been any flood of sufficient height in the Damodar to obtain the necessary data."

By the Hon'ble BABU SIV NARAYAN MUKHARJI :—

XXXIV.

Pollution of the Bhagirathi water.

(a) Has the attention of Government been drawn to the "dangerously contaminated" condition of the water of the Bhagirathi as disclosed by chemical and bacteriological examinations held in the laboratory of the Sanitary Commissioner, Bengal?

(b) Is it a fact that such contamination is due mainly, if not solely to the discharge from the septic installations in the several Jute Mills on both banks of the river?

(c) Are the Government considering the desirability of inquiring into the matter in the interests of the public health?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) The Hon'ble Member is referred to the reply given to starred question No. 6 at the meeting of the Legislative Council held on 19th August, 1918.

(b) Government are advised that it is not a fact.

(c) As stated in the reply given to starred question No. 6 on 19th August, 1918, Government will consider what measures can be taken to prevent pollution of the river water."

By the Hon'ble Mr. H. R. A. IRWIN :—

XXXV.

Renewal of contract with the Darjeeling-Himalayan Railway.

In view of the approaching expiration of the contract with the Darjeeling-Himalayan Railway Company, are the Government considering the desirability of directing that the work of eliminating the 147 dangerous crossings on the public cart road be taken in hand immediately and of refusing to renew the contract until this work has been completed?

Answer by the Hon'ble MR. COWLEY :—

"It is understood that the Government of India have decided not to exercise their option to purchase the railway and as a result the contract between the Railway Company and the Secretary of State continues in force for a further period. In these circumstances the question of making the improvement of level crossings a condition for the renewal of the contract does not arise."

SUPPLEMENTARY QUESTION.

The Hon'ble MR. IRWIN asked the following supplementary question :—

"Are the Government aware that these crossings constitute a very serious menace to the lives of pedestrians and others crossing the lines?"

The Hon'ble MR. CUMMING said :—

"The matter of the improvement of the level crossings on these lines has been and is under the consideration of Government, and it is hoped that in no distant future some improvement will be made ; but a complete improvement is still hardly practicable."

By the Hon'ble MR. H. R. A. IRWIN :—

XXXVI.

Appointment of District Committees in the European man power question.

(*a*) With reference to the European man power question, are the Government considering the desirability of appointing small local committees in each district to inquire and advise what individuals can be spared for service?

(*b*) Are the Government aware that there are a certain number of married men and others who would volunteer, for I.A.R.O. service, if a scheme of adequate provision for those dependent on them were announced?

Answer by the Hon'ble MR. KERR :—

"(*a*) Inquiries are being made by the Bengal Chamber of Commerce, the Indian Tea Association, the Calcutta Trades Association, and the Indian Mining Association and other bodies have been asked to co-operate. The question of additional local committee will rather arise when it is known what cases have not been covered by the inquiries already instituted.

(*b*) Statements to this effect have appeared in the newspapers, but Government have no precise information regarding the number of men who would be obtained by the adoption of this expedient. The inquiries now in progress should throw some light on the point."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXVII.

Allegations against the Circle Officer and Subdivisional Officer of Kalna regarding Local Board election.

(*a*) Are the Government aware that Babu Purna Chandra Datta, lately Chairman of the Kalna Local Board in the district of Burdwan, and other residents of the Kalna subdivision, submitted a memorial to the Commissioner of the Burdwan Division in which some allegations were made against the conduct of Babu Ashutosh De, Circle Officer of Kalna, and Babu Kumud Behari Mallick, Subdivisional Magistrate of Kalna, in connection with the Local Board election?

(*b*) If so, will the Government be pleased to state if an inquiry has been made in the matter, and if so, by whom and with what result, and whether the applicants were given an opportunity to prove their allegations?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) A petition dated 20th June, 1918, signed by Babu Purna Chandra Datta and three others, making certain allegations against Babu Ashutosh De, Circle Officer of Kalna, in connection with the Local Board election held in February, 1918, was received by the Commissioner.

(*b*) An inquiry was made by the Commissioner, who found that the allegations contained in the petition were groundless."

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXXVIII.

(*a*) Are the Government aware—

Non-entry of *Gopats* in record-of-rights.

(*i*) that many public *gopats* have not been entered in the record-of-rights recently prepared by the Settlement authorities in the Munshiganj subdivision in the district of Dacca, and

(*ii*) that the omission has involved some Union Committees in litigation?

(*b*) Will the Government be pleased to state if any steps are intended to be taken to preserve the public *gopats* in that subdivision from encroachment?

Answer by the Hon'ble MR. KERR :—

" The procedure followed in recording footpaths in the Dacca settlement is described in paragraph 263 of the final report of the Settlement Officer, a copy of which paragraph has been supplied to the Hon'ble Member. A public footpath is not easy to define. Government understand that certain Union Committees have taken action with a view to asserting rights of easement over paths not recorded as public, and that the Dacca District Board has taken action for the demarcation of public footpaths in Munshiganj subdivision in order to prevent encroachment. Government do not contemplate taking any action in this behalf."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XXXIX.

Proceedings of a certain conference in the agricultural farm at Manipur in Dacca.

(*a*) Will the Government be pleased to lay on the table the proceedings of the conference of the Presidents of Panchayats and Chairmen of Union Committees held on the 28th July, 1917, in the agricultural farm at Mahipur in the district of Dacca?

(*b*) Will the Government be pleased to state whether they have decided to give effect to these resolutions?

Answer by the Hon'ble MR. KERR :—

(*a*) A copy* of the proceedings is laid on the table.

(*b*) The resolutions relate to matters covered by the Village Self-Government Bill now before the Council and will receive careful consideration in that connection. "

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XL.

Assets of Union Committees in Dacca.

Will the Government be pleased to lay on the table a statement containing the amount realised by taxation by the Union Committees of the district of Dacca and the amount contributed by the District Board to the Union Committees during the years 1915, 1916 and 1917?

Answer by the Hon'ble MR. O'MALLEY :—

" A statement containing the information required for 1916-17 and 1917-18, is laid on the table. There was no Union Committee in the district in 1915-16."

* *Vide* Appendix A.

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. XL asked by the Hon'ble* BABU AKHIL CHANDRA DATTA *at the Council Meeting of the 3rd September, 1918.*

1916-17.

NAME OF UNION.	Contribution by the District Board.	Receipts under section 118C of the Act.
	Rs.	Rs.
Nawabganj	901	300
Subhadya	1,324	370
Kalatia	406	215
Teghoria	396	300
Kaliganj	400	325
Jinardi	497	186
Dhamrai	758	...
Tetuljhora	340	150
Sripur	548	40
Fatulla	340	61
Aminpur	418	...
Pachdona	158	...
Mohespur	133	204
Labutola	271	...
Munshiganj	2,445	281
Mirkadim	275	361
Bajrajogini	587	...
Betka	225	154
Abdullapur	357	225
Outshahi	250	279
Kalma	308	...
Dhipur	693	...
Sekharnagar	250	...
Rajanagar, Saidpur	600	...
Rasunia	319	...
Ichapura	450	150
Hashara	350	...
Birtara	151	73
Solaghar	584	300
Srinagar	265	176
Syamsidhi	600	...
Bhagyakul	600	...
Haldia	175	...
Hashail	150	405
Baherak	434	458
Silai	144	...
Manikganj	2,845	1,500
Saturia	402	324
Garpara	371	400
Baira	198	200
Hatipara	287	231
Balla	119	...
Charkewar*	...	...
Mirpur*	...	...
Total ..	21,324	7,668

* Sanctioned by Government but not constituted during the year.

Questions and Answers.

1917-18.

Name of Union.				Income. Contribution by the District Board.	Income. Receipts under section 118C of the Act.
				Rs.	Rs.
Nawabganj	...	...	...	591	304
Subhudya	...	...	...	560	515
Kalatia	...	...	...	113	9
Teghoria	...	...	...	142	216
Kaliganj	...	...	...	301	505
Jinardi	...	...	...	242	405
Dhamrai	...	...	...	453	444
Tetuljhora	...	...	...	304	100
Sripur	...	...	...	186	121
Fatulla	...	...	...	368	301
Aminpur	...	...	...	272	826
Pachdona	...	...	...	356	300
Mahespur	...	...	...	233	113
Lebutola	...	...	...	217	107
Munshiganj	...	...	...	2,000	177
Mirkadim	...	...	...	358	312
Bajrajogini	...	...	...	559	371
Betka	...	...	...	496	363
Abdullapur	...	...	...	447	425
Outshahi	...	...	...	343	278
Kalma	...	...	...	295	...
Dhipur	...	...	...	154	...
Sekharnagar	...	...	...	207	163
Rajanagar, Saidpur		...	...	2,312	591
Rasunia	...	...	...	283	200
Ichapura	...	...	...	274	250
Hashara	...	...	...	393	368
Birtara	...	...	...	226	331
Salaghar	...	...	...	298	525
Srinagar	...	...	...	10	61
Syamsidhi	...	...	...	240	...
Bhagyakul	...	...	...	675	1,216
Haldia	...	...	...	374	343
Hashail	...	...	...	253	252
Baherak	...	...	...	277	239
Silai	...	...	...	601	125
Manikganj	...	...	...	3,561	2,099
Saturia	...	...	...	168	350
Garpara	...	...	...	106	390
Baira	...	...	...	185	448
Hatipara	...	...	...	262	232
Balla ...	...	...	...	97	220
Mirpur	...	...	...	158	148
		Total	...	9,950	14,743

Questions and Answers.

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

XLI.

Levy of taxes by Union Committees in Dacca.

(*a*) Are the Government aware that the District Board of Dacca issued a circular to all Union Committees authorising them to levy taxes under section 118 of the Bengal Local Self-Government Act of 1885 for works connected with sanitation drainage and water-supply only?

(*b*) Is it a fact that some Union Committees spent the sum or a part of the sum thus levied by taxation for the construction and repairs of roads? If so, are the Government considering the desirability of taking steps to prevent the diversion of the money raised by taxation from one purpose to another?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) A copy of a circular issued by the District Board in 1917-18 is laid on the table.

(*b*) In 1916-17, previous to the issue of that circular, 13 Union Committees spent Rs. 2,983. realised by local taxation, on reclaiming and improving village paths. In 1917-18, the sum spent on village paths from funds realised by local taxation amounted to Rs. 469; and only 4 Union Committees acted contrary to the instructions contained in the circular. It is reported that steps have been taken to prevent the recurrence of such an irregularity."

Copy of the circular referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. XLI asked by the Hon'ble* BABU AKHIL CHANDRA DATTA *at the Council Meeting of the 3rd September, 1918.*

Memo. No. 1898-1940 G., dated Dacca, the 6th September, 1917.

From—S. G. HART, ESQ., Chairman, District Board,
To—The Chairmen of all Union Committees.

The attention of all Union Committees is drawn to the fact that local taxation can only be imposed to meet the expense of providing sanitation, conservancy, drainage or water-supply. Taxes may not be imposed for the purpose of making or repairing roads.

In submitting applications for sanction to the levy of taxation under section 118 C of the Local Self-Government Act, Union Committees should forward a statement in the following form :—

	Rs.
Estimated cost of works of—	
Sanitation	
Conservancy	
Drainage	
Water-supply	
...	
Total Rs. ...	

	Rs.
Funds available for these purposes from other sources	
Balance proposed to be raised by local taxation ...	

Questions and Answers.

By the Hon'ble KUMAR SHIB SHEKHARESWAR RAY :—

XLII.

(a) Will the Government be pleased to state what constructive schemes have been undertaken under the Bengal Drainage Act, 1880 (Ben. Act VI of 1880), since the year 1912? Constructive schemes under Bengal Act VI of 1880.

(b) Are the Government aware that the present Act is of no practical use to the landholders so far as small schemes are concerned?

(c) Is there any proposal to enact a simpler Act for small local schemes?

Answer by the Hon'ble MR. KERR :—

"(a) No schemes have been undertaken under the Bengal Drainage Act, 1880, since the year 1912.

(b) Government are aware that the Act is not entirely suitable for small schemes.

(c) The subject of amending the law with a view to providing a simpler procedure for dealing with small schemes is under the consideration of Government."

By the Hon'ble KUMAR SHIB SHEKHARESWAR RAY :—

XLIII.

(a) Are the Government aware of the restriction imposed by section 188 of the Bengal Tenancy Act, 1885, under which co-sharer landholders are debarred from proceeding under section 105 of the same Act? Restriction under the Bengal Tenancy Act.

(b) Are the Government aware that this restriction has been adversely affecting the interests of the landholders in the settlement proceedings now in progress in various districts of Bengal?

(c) Do the Government propose to make an inquiry into the matter with a view to effect some solution of the difficulties experienced by the landholders in this respect?

Answer by the Hon'ble MR. KERR :—

"(a) Yes.

(b) Yes.

(c) Government do not propose to take up this question before a general amendment of the Bengal Tenancy Act is taken up."

By the Hon'ble KUMAR SHIB SHEKHARESWAR RAY :—

XLIV.

(a) Will the Government be pleased to lay on the table a copy of the replies received by the Committee appointed in August, 1910, to report on the question of law relating to family settlements in Bengal, and mentioned in paragraph 3 of their report dated the 30th October, 1911? Family settlements in Bengal.

(b) Will the Government be pleased to lay on the table a copy of the replies received by them to their letter No. 2915-40 (Land Revenue), dated the 20th March, 1918, in connection with the question of settlement of estates in Bengal?

Answer by the Hon'ble MR. KERR :—

"(a) and (b) The papers* asked for are very voluminous. Copies will be placed on the Library table."

* Not printed in these Proceedings.

Questions and Answers; The Calcutta Hackney-carriage Bill, 1918.

The Maharajadhiraja Bahadur of Burdwan.

By the Hon'ble KUMAR SHIB SHEKHARESWAR RAY :—

XLV.

Recovery of settlement costs from the Rajshahi districts.

(*a*) Will the Government be pleased to state the amount originally estimated to be recovered as settlement costs from the district of Rajshahi in the current official year?

(*b*) Are the Government aware of the present economic condition of the people of Rajshahi resulting from the extensive loss of *bhadoi* crops and the falling of prices of jute?

(*c*) Do the Government propose to make any reduction in the estimated amount of settlement costs to be recovered this year?

(*d*) What is the amount of the land revenue of the district of Rajshahi?

Answer by the Hon'ble MR. KERR :—

"(*a*) Rupees 7 lakhs.

(*b*) Government are aware that recent abnormal rain and floods have damaged the *bhadoi* crops in part of Rajshahi district. The average price of jute in Rajshahi district at the end of August is reported to be Rs. 8 per maund compared with Rs. 4-12 at the same period of 1917.

(*c*) The question of revising the estimated recoveries of settlement costs will be considered as usual in December, and due consideration will be paid to agricultural conditions.

(*d*) Rupees 10¼ lakhs."

LIST OF BUSINESS—ITEM No. 2.

THE CALCUTTA HACKNEY-CARRIAGE BILL, 1918.

The Hon'ble SIR BIJAY CHAND MAHTAB, Maharajadhiraja Bahadur of Burdwan, presented the report of the Select Committee on the Calcutta Hackney-Carriage Bill, 1918.

He said :—

"My lord, I beg to present the report of the Select Committee on the Calcutta Hackney-Carriage Bill, 1918.

The Committee, though unable to present a unanimous report, have been able to meet most of the criticisms which the circulation of the Bill elicited.

The Committee, by a majority, considered that the control of hackney carriages should be transferred from the Corporation to the Commissioner of Police in Calcutta, and alterations have been made in the Bill with a view to give effect to this transfer.

In this connection, I would like to refer to the statement made by the Hon'ble Rai Radha Charan Pal Bahadur in his Note of Dissent. He said that, as stated by the Hon'ble Member in charge of the Bill, the Fire Brigade would not be made over in exchange to the Corporation, and I may point out that this is a misapprehension. What I did actually say when I moved for the appointment of the Select Committee was as follows: 'I may, however, point out to the representatives of the Corporation in this House that Government cannot entertain their proposal of transferring the power from the Commissioner of Police to the Corporation as regards the Calcutta Fire Brigade. This question does not arise as it is beyond the scope of the Bill.'

The Calcutta Hackney-carriage Bill, 1918; the Bengal Prevention of Adulteration Bill, 1918.

The Maharajadhiraja Bahadur of Burdwan.

What I meant by 'being beyond the scope of the Bill' was that Government could not consider the question of the transfer of the Fire Brigade in connection with the question of the present Bill which deals with an entirely different matter. Other municipalities will have to be consulted about the proposal to transfer the Fire Brigade; and Government cannot, therefore, at present say anything on the question. We are prepared to consider it on its merits and apart from the present Bill.

Turning now to the provisions of this Bill, I may say that provision has been made in the Bill to meet a distinct difficulty of hackney carriages plying for hire in small and contiguous municipalities. Clause 2(*b*), as revised in the Select Committee, read with 82A will enable hackney carriage registered in one town to ply in adjacent towns without being registered in those towns.

With a view to stop the growing evil of the use of hackney carriages for immoral purposes, we have inserted a new sub-clause (*r*) in clause 51, making the use of a carriage an offence punishable under the Act.

In order to ensure the better treatment of horses we have inserted a provision in clause 71 regulating the use of horses in hackney carriages.

For reasons of public safety, a new clause 79 (*a*) has been inserted in the Bill requiring disinfection of a hackney carriage or *palanquin* used in conveying persons suffering from any dangerous infectious disorder or a corpse.

To prevent harassment of passengers, particularly *pardahnashin* ladies, a new clause 79B has been inserted prohibiting the arrest of a driver of a hackney carriage or the bearer of a *palanquin* or the seizure of the carriage or *palanquin* when it is actually used for the conveyance of the passenger, until some arrangement is made for the passenger to proceed to his destination.

The other alterations made by the Select Committee do not call for any special comment.

With these remarks, my Lord, I beg to present the report of the Select Committee."

LIST OF BUSINESS—ITEM No. 3.

THE BENGAL PREVENTION OF ADULTERATION BILL, 1918.

The Hon'ble SIR BIJAY CHAND MAHTAB, Maharajadhiraja Bahadur of Burdwan, moved for leave to introduce a Bill to make provision for the prevention of adulteration of food in Bengal.

He said :—

"My Lord, I beg leave to move to introduce a Bill to make provision for the prevention of the adulteration of food.

When Sir S. P. Sinha introduced the Bill to prevent the adulteration of *ghee* within the jurisdiction of the Calcutta Corporation, he stated that it was at the time impossible for us to introduce a measure which would include not only Calcutta but also the mufassal, and if we were to wait for such a Bill to go up to the Government of India we certainly could not expect to

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The Maharajadhiraja Bahadur of Burdwan.

introduce that Bill and much less to pass it until at any rate the ensuing cold weather. It is the very Bill, to which Sir S. P. Sinha made a reference in his speech, that I have the honour to introduce to-day. The necessity for the Bill has arisen from the fact that the adulteration of food, particularly of articles of common consumption, such as milk, *ghee*, mustard oil, etc., is prevalent in Bengal and that the existing law has entirely failed to check the evil. The only provisions of the law that are of general application in regard to the adulteration of food are those contained in sections 272 and 273 of the Indian Penal Code. These sections penalise the adulteration of any article of food or drink so as to make such articles noxious as food or drink, and the sale of such noxious article. The use of these sections is the only preventive for adulteration of food outside municipalities, and they can only be put into force where the adulteration has the effect of making the food noxious. In municipalities, section 251 of the Bengal Municipal Act penalises the sale to the prejudice of the purchaser of any article of food which is not of the nature, substance or quality of the article demanded by such purchaser. Section 251D provides for the compulsory purchase of any article of food for the purpose of analysis. But section 251 is the only provision for dealing with the vendor if the analysis proves that the article is adultered. As explained by Sir S. P. Sinha in introducing the Calcutta Amendment Bill for the prevention of the adulteration of *ghee* in Calcutta, the section last named is directed more to the punishment of fraud than to the prevention of adulteration, because under the section if a man says 'What I am selling to you is not a pure article,' there is no question of his committing any breach of the law; but if he perpetrates a fraud by giving an impure article when he is asked for a pure article, then and then only does he become amenable to the provisions of the law. The question of taking legislative action to supplement these provisions of the law has been long debated. As long ago as 1886, the Government of India consulted the local Governments as to the desirability of special legislation to prevent the sale of adulterated articles of food. The replies of local Governments indicated a general belief that the existing provisions against adulteration in the local Municipal Acts were not insufficient and that in any case no immediate legislation was required. The Government of India concurred in these conclusions, and there the matter rested for about a quarter of a century. Times have altered, and there is now, I think, a general concensus of opinion that the existing law is not sufficient to cope with the evil. In 1911, the All-India Sanitary Conference expressed the opinion that the existing powers under the various Municipal Acts for the prevention of the adulteration of food and drugs were inadequate, that the adulteration of food was extensive, and that action should be taken to prevent it. This Government examined the question so far as Bengal is concerned, and as the result of their enquiry, it was found that the provisions of the existing law were inadequate, and that the adulteration of articles of food, such as milk, *ghee* and oil, has assumed such proportions as to be a menace to the health of the people. This Government, therefore, urged that legislation should be taken. The Government of India agreed to legislation being introduced in the local legislature in respect of the adulteration of food, but deprecated special legislation for drugs which they considered could be left to the operation of the Indian Penal Code.

Since then Bengal Act I of 1917 has been passed as an emergency measure for the prevention of adulteration of *ghee* in Calcutta. The Bill I now have the honour to introduce goes further, for it is a measure dealing not only with the prevention of adulteration of *ghee*, but also of articles of food and drink generally. Its object in brief is to ensure the purity of staple articles of food most liable to adulteration, and in accordance with the decision of the Government of India drugs have been excluded from its scope.

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I would first explain that Calcutta does not come under its operation, as the Calcutta Municipal Bill which was introduced in the Council on the 20th November last contained special provisions dealing with the same subject. These provisions, so far as they relate to the adulteration of *ghee*, were moreover included in the Statute Book by Bengal Act I of 1917. The Bill is applicable then to Bengal outside Calcutta, and it is intended that it should apply, in the first place, to municipal areas where there are health officers or sanitary officers. These have been appointed for all municipalities of any considerable size. If found necessary, it may be extended later to large *hâts*, bazars and other trading centres. Accordingly, the power of extension of the Act has been made as general as possible.

Turning to the specific provisions of the Bill, the term 'adulterated' has been defined, the definition being similar to that in Bengal Act I of 1917. Under clause 4, power is taken to the local Government to define the normal constituents of food, and to declare what deficiency in any of these constituents and what addition of extraneous matter or proportion of water in any article shall raise the presumption that the quality of the article has been reduced, lowered or injuriously affected thereby. By this means effect can be given to the results of scientific research in the future without recourse to additional legislation. As in the case of Bengal Act I of 1917, the main principle of the Bill is that a person who sells food or manufactures food for sale must himself take the responsibility that such food is not adulterated. This means that the vendor must satisfy himself before he buys an article of food that it is pure. Under clause 5, however, which prohibits the sale of food which is not of the proper nature, substance or quality, the vendor is safeguarded if he sells an article which he purchased with a written warranty to the effect that it was the same in nature, substance and quality as that demanded by the purchaser, or if he sells it in the same state as he purchased it, or if he sells a food which is the subject of a patent in force in the state required by the specification of the patent. Again, in recognition of the difficulties which retail dealers in the mufassal may have in getting food analysed, clause 6, which refers to the sale of food which is not of the prescribed standard of purity, provides that the vendor may plead a warranty in defence. This provision, without jeopardising the purity of the article, shifts the responsibility from the small to the large dealer or manufacturer who has facilities for obtaining analysis.

The Bill also prohibits the storing of adulterants in any factory where *ghee*, mustard oil, etc., are manufactured; and powers have been taken for the appointment of public analysts whose certificates will be taken as sufficient evidence of the results of analysis in a court of law. It is believed that, in practice, it will be possible to make use of the services of duly qualified officers under the Sanitary Commissioner for this purpose. Clause 10 of the Bill empowers properly authorised persons compulsorily to purchase food required for submission to a public analyst, while clause 11 authorizes, with certain safeguards, a private purchaser to submit for analysis food purchased by him. Persons duly authorized are also empowered to take samples of food or its components during the process of manufacture or while in transit, or when stored or exposed for sale. The division of samples into three parts has been made compulsory on the analogy of the English law.

In view of the harmful results of the use of skimmed milk for feeding infants and of the fact that enquiry has shown that skimmed milk is used for this purpose in Bengal, provision has been made that tins or other receptacles containing skimmed milk shall bear labels indicating both in English and Bengali that the milk has been skimmed and is not suitable for infants' food. Specific provision has also been made for the regulation of butter which, it is believed, is also adulterated to a large extent. In order

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to give local authorities an interest in the working of the Act, it has been provided that all fines to be realised under it and all other sums which may be utilised for the purposes of the Act shall be credited to local funds."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 4.

THE BENGAL JUVENILE SMOKING BILL, 1917.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY moved that the Bengal Juvenile Smoking Bill, 1917, be referred to a Select Committee consisting of the Hon'ble Sir Nilratan Sarkar, the Hon'ble Sir Deba Prasad Sarbadhikari, the Hon'ble Mr. Arden-Wood, the Hon'ble Major-General Robinson, I.M.S., the Hon'ble Mr. O'Malley, the Hon'ble Mr. Wordsworth, the Hon'ble Rai Priya Nath Mukharji Bahadur and the mover, with instructions to submit their report after two months.

He said :—

"My Lord, when introducing the Bengal Juvenile Smoking Bill last year, I had ventured to express the hope that it would receive the full support of public opinion. I was not disappointed. I had the satisfaction of finding that the Bill had the sympathy of the Hon'ble Sir S. P. Sinha and the cordial support of veteran Members of the Council like the Hon'ble Babu Debender Chunder Ghose, the Hon'ble Babu Mahendra Nath Ray, the Hon'ble Babu Ambika Charan Majumdar, the Hon'ble Rai Mahendra Chandra Mitra Bahadur and the Hon'ble Dr. Sarbadhikari. I have now before me the collection of opinions on the Bill, and I note with satisfaction that it has the support of general public opinion behind it. In addition to that, I have received many letters from gentlemen of position and influence who are in full sympathy with the principles of the Bill. Of these I need only refer to that from Mr. J. D. Biswas, the Honorary Secretary of the Anti-Smoking Society, Bengal. He informs me that the Society has submitted to Government a memorial in support of the Bill consisting of '107 sheets supported by about 50 schools and colleges of Bengal, and containing about 2,000 signatures of well-known medical men, lawyers, missionaries and men in other professions interested in the welfare of the juveniles and representing various grades of society and Districts of Bengal.'

This being the case, I am confident that the Hon'ble Members will have no hesitation in allowing the Bill to proceed to the Select Committee.

Opinions on the Bill were invited by Government from the Chairman, Calcutta Corporation; the Commissioners, Presidency, Burdwan, Rajshahi, Dacca and Chittagong Divisions; the Director of Public Instruction, Bengal, and a number of Associations and public bodies.

Of the six Government officials—the Commissioners of the five divisions and the Director of Public Instruction—all are more or less opposed to the Bill. But a little examination will show that their opinions are merely personal and individual and entirely opposed to the views of representative men and local bodies consulted by them. For instance, the Director of Public Instruction records his dissent from the opinion of the majority of the officers consulted by him who consider legislation necessary and desirable. The Commissioner of the Presidency Division has no doubt that legislation of the kind is quite unsuited to India. But his view again is opposed to that

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of the majority of persons and local bodies consulted by him. The Commissioners of other divisions also more or less oppose though the majority of persons and local bodies consulted by them cordially support the principle of the Bill. It seems all Commissioners, like poets and mystics, think alike and invite public opinion only to express their dissent from it.

Turning now to the Calcutta Corporation, I must confess that its attitude towards the Bill is not quite clear to me. The Estates and General Purposes Special Committee (consisting of the Chairman, the Hon'ble Rai Radha Charan Pal Bahadur, Mr. Phelps, Babu Ramtaran Bannerjee and others) at their meeting held on the 8th January 1918, declared themselves in favour of the Bill generally. But, at the meeting of the Corporation held on the 23rd January 1918, an amendment was moved to the effect that in the opinion of the Corporation the proposed legislation to discourage smoking amongst juveniles was unnecessary and undesirable. But after much heated and irrelevant talk the mover of the amendment accepted the suggestion of the Chairman (who agreed with Mr. Jones that the amendment moved was too drastic and that it was scarcely becoming of that meeting to undertake the defence of tobacco), that if the Corporation did not wish to approve the Bill they could say that the proposed legislation will not work satisfactorily in practice and will not attain the object aimed at. Now, from the extract from the proceedings of the Minutes of the Corporation meeting held on the 23rd June 1918, it is perfectly clear that the saner and soberer members of the Corporation are in favour of the Bill. Personally, I would not attach any importance to the opinion of a dealer in cigarettes who confesses that as a business man it would be to his interest to oppose any restriction that may tend to check the progress of the tobacco trade in general, or to the utterances of that champion of tobacco who after 52 years of hard smoking congratulates himself on his good health in his 73rd year. I do not know whether smoking has something to do with the confusion of ideas which distinguish his speech. On his own confession he started smoking in his 21st year and he need not have apprehended that the Bengal Juvenile Smoking Act was intended to apply to him in his second childhood.

Nor do I think anyone who knows him will take seriously that other defender of tobacco—the stormy petrel of the Corporation—who, for want of better occupation has discovered in the Corporation the forum for the exhibition of his oratorical powers.

Of the associations and public bodies six emphatically support the principle of the Bill and consider legislation of the kind actually necessary and desirable. Three oppose the Bill and the attitude of the remaining may be described as that of benevolent neutrality.

The associations which are clearly opposed to the Bill dismiss the whole subject in one sentence without assigning any reasons. 'They do not consider any such legislation necessary or desirable.' Now as these associations have not said much, I have not much to say about their views, but I must confess I am curious to know the reasons for their admirable brevity of expression. Absorbed in commercial pursuits, have the Bengal Chamber of Commerce and the European Association discovered in brevity of expression and summary rejection of the Bill, the safest and surest way of saving time? Or is this an instance of that habitual indifference to all questions affecting the welfare of the Indian people with which the non-official European community is generally charged ?

My Lord, I believe I have made out a strong case for the reference of the Bill to the Select Committee. I hope I have made it abundantly clear that the preponderance of Indian public opinion is in favour of the Bill. The measure before the House is primarily one for the Indian opinion. I earnestly

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trust that the European Members of the Council, official and non-official, will not stand in the way of a measure in whose favour Indian public opinion has clearly declared itself and thus frustrate Indian efforts at social reform.

It is well known, my Lord, that the United Kingdom, Japan, many of the British Colonies and American States have passed similar measures for the protection of children. I remind the Council that even with regard to Indian I cannot claim any kind of priority or originality for the introduction of the Bill. Indeed, some of the Indian States like Baroda, Patiala, Nabha, Mysore, Faridkote, Maler Kotla and Hyderabad have already forestalled me. Since the introduction of my Bill in the Council, the Punjab Juvenile Smoking Bill has passed into law.

Before I conclude, my Lord, I take the liberty of quoting a passage from the speech of a member of the House of Representatives in Tokio during discussion on the Japanese Juvenile Smoking Bill in December 1899 : —

'If we expect to make this nation superior to the nations of Europe and America, we must not allow our youths in the common schools (who are to become the fathers and mothers of our country in the near future) to smoke. If we desire to cause the light of the nation to shine forth over the world, we ought not to follow the example of China and India.'

My Lord, I need not take up the time of the Council any further. I know I have got many powerful allies here, chief amongst whom is that militant knight, Sir Deba Prasad Sarbadhikari, President of the Anti-Smoking Society. I commend my Bill to their care."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"My Lord, it is my duty to explain to the Council the attitude of Government towards this motion. It is one of strict neutrality. Government will neither support nor oppose it. They wish that there should be frank and free discussion, and official members of the Legislative Council will, therefore, be at liberty to speak as they like on the motion. They are, however, asked to abstain from voting, as Government desire the decision to rest entirely with the non-official representatives. If the motion is carried, Government will press for certain amendments in the Select Committee, and, if necessary, at subsequent stages of the Bill. The modifications which Government consider essential if the motion to refer the Bill to a Select Committee is carried are—

(1) The age limit of 21 is *primâ facie* too high and should be reduced to 16.

(2) Provisions similar to those contained in sub-sections (*2*) and (*3*) of section 43 of the English Children Act, 1908, should be inserted in the Bill. In other words, Government consider that the provisions of the Bill about cigarettes should also apply to tobacco and smoking mixtures, with the exception recognised in England that a person shall not be guilty of an offence for selling them to a person apparently under the age of 16 years, if he does not know and has no reason to believe that it is for his personal use. The Bill, as it stands, guards against the sale of cigars, cigarettes, *biris*, pipes or cigarette papers, but not against the sale of tobacco other than cigarettes. There is a similar omission as regards the power of seizure. Government are of opinion that in this matter the English law should be followed if the Council decides that legislation is necessary.

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The Maharajadhiraja Bahadur of Burdwan; Rai R. C. Pal Bahadur; Mr. Kerr.

(3) The power to seize cigars, etc., referred to in clause 6 should be expressly confined to police officers (including constables) in uniform. Power should, at the same time, be taken to authorize any other person to exercise the right of seizure. The object of this latter provision is to leave Government free to decide as to the class of officers or persons on whom this duty may be suitably imposed, and, lastly, there should be a clear provision as to the person who should have the power of initiating proceedings.

These are all the remarks, on behalf of Government, that I have to make at this stage. As I have already said, that while official members are to abstain from voting, any member of the Government desiring to express their own opinion on the merits or otherwise of the Bill are welcome to do so along with their non-official colleagues."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I give my cordial support to the Bill. I entered the Council when the Hon'ble Member had delivered a portion of his speech and I could catch only one or two of his observations which had reference to the Calcutta Corporation. He said that the sober portion of the Corporation supported the Bill. I do not think there exists any such division as a sober and unsober portion in the Corporation. They are all sober and they have given their sober support to the Bill.

The Bill, I find, is to apply to Calcutta in the first instance. And I also find that my Hon'ble friend, the mover, in constituting the Select Committee has perhaps overlooked that the Calcutta Corporation has got a claim to be represented on the Committee. There are two members of the Corporation in the Committee—one is Sir Deba Prasad Sarbadhikari who, I take it, has been selected because he is the President of the Anti-Smoking Society and the other is Mr. Arden-Wood as the representative of educational interest and not as a member of the Corporation. Barring these two gentlemen, there are no other members of the Corporation on the Committee. I therefore beg leave to suggest a name which I think will be quite acceptable to the Council—a gentleman who took a very straight and frank course in the discussion of this Bill in the Corporation—I mean Mr. Payne, the Chairman. I followed the discussion in the Corporation with great interest, and I may say without hesitation that he is a worthy person to be included in the Select Committee and that he would be of considerable help to my Hon'ble friend. I, therefore, would move an amendment that Mr. Payne's name be added to the Select Committee."

The Hon'ble MR. KERR said :—

"My Lord, I should like to take advantage of the permission granted by Your Excellency's Government to make a few observations on this Bill, not as a hide-bound bureaucrat, but in my much more important capacity as the father of a family. As such, the Bill interests me very greatly and there is a good deal that I could say about it. I shall, however, confine myself to two points : *first*, the scope of the Bill, and, *secondly*, the machinery which is provided for carrying out its provisions.

As to the scope of the Bill, I think it must have struck every father of a family, as it has struck me, that it is extremely narrow. The Bill deals with what is called juvenile smoking, which is nowhere defined though it talks of cigarettes, cigars, pipes and *biris*. As the Hon'ble Maharajadhiraja Bahadur of Burdwan has stated, the Bill does not mention tobacco at all. Now, surely,

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Mr. Kerr.

this so-called juvenile smoking is not the most serious or the most frequent form of juvenile sin known to those who have experience of children. There is the well-known practice of children putting their thumbs into the inkpot and then sucking them—a practice which, I am told by the highest medical authority, is very much more deleterious to the internal organs than any amount of juvenile smoking. Then, there is the well-known practice of little boys playing about with cricket balls in the neighbourhood of expensive panes of glass, a practice which is dangerous, not so much to the small boys themselves, as to the people in the neighbourhood, and is also very expensive for those who have to pay for replacing the panes of glass. I need not give further instances. Any member of this Council, who is the father of a family, can add to the list for himself. I would suggest to this Council that before embarking on legislation of this kind, it would be well to appoint a large and representative Committee to consider the whole question of juvenile sin and to suggest remedies.

I now turn to the question of machinery, which is dealt with in clause 4 of the Bill. The machinery there provided consists of police officers, members of the Preventive Service, members of the Society for the Prevention of Cruelty to Animals and teachers in educational institutions. And I say that this machinery, like the scope of the Bill, shows a very narrow outlook. I must admit that the Hon'ble Member has done pretty well in roping in the whole of the police force; that gives him about 25,000 men from the Inspector-General and the Commissioner of Police down to the last joined recruit and includes the officers of the Intelligence Branch and the Criminal Investigation Department whose detective abilities and special training would be usefully employed in work of this kind. But after we have disposed of the police, the rest of the machinery shows a sad falling off. Members of the Preventive Service and members of the Society for the Prevention of Cruelty to Animals do not number more than a few hundreds; and I do not quite see why they should be considered to have special qualifications for work of this kind. But what are 25,000 men against the whole of the juvenile population of Bengal? There are plenty of people who have nothing to do and are quite ready to interfere with the bringing up of other people's families and who would be only too pleased if they were asked to undertake functions under this Bill. It seems to me, too, that the Bill should make more use of official agency. It will be seen that the function of the officers who are employed under the Bill is to seize cigarettes and such things and make them over to their immediate superiors for disposal. The immediate superior will presumably in most cases finish smoking the cigarette himself. Anyhow, the point is that an official always has an immediate superior in his near neighbourhood, and consequently the official class seems better suited than any other class to undertake functions under this Bill. I thought only this morning of one manner in which the official population might be usefully employed in regard to a measure of this kind. The popular impression is that the officers who accompany Your Excellency to Darjeeling have nothing to do when they get there, and perhaps if we undertook some important public service of a striking character, the opposition to the Darjeeling exodus might be overcome and even the Hon'ble Maulvi Fazl-ul-Haq might be reconciled to it. I suggest that Secretaries and their Hon'ble Members might go out in pairs and patrol the Darjeeling streets, where there is plenty of juvenile smoking. The Secretary would seize the cigarette and make it over to his Hon'ble Member. I might go out with Sir Henry Wheeler and Mr. O'Malley would go out with the Hon'ble Maharajadhiraja Bahadur of Burdwan; in this way, we should provide free smokes for our Hon'ble Members, besides performing a useful public service. I only put this by way of suggestion. I say that the machinery proposed in the Bill is very narrow and requires further consideration before this Council can safely legislate on the subject.

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The President ; Mr. Payne ; Dr. Abdulla-al-Mamun Suhrawardy ; Mr. M. Asraf Ali Khan Chaudhuri.

My main objection to the Bill, however, is one of principle. The children in whom the Hon'ble Member is interested are apparently addicted to this habit of juvenile smoking. The children in whom I am interested are not in the least addicted to juvenile smoking, but they are addicted to those other practices which I have mentioned, and to other practices which I have not mentioned. Now, the effect of this Bill will be to give the Hon'ble Member the services of the whole of the police force in bringing up his family, whereas I shall get no assistance from the Bill at all. I am a taxpayer just the same as the Hon'ble Member, and I ask the Council whether it is reasonable that there should be this enormous differentiation in favour of the Hon'ble Member. If these public functionaries are to be employed in assisting parents to bring up their families, surely their services must be distributed in a fair and reasonable manner; otherwise there will be great heartburning and jealousy. As I understand the Hon'ble Maharajadhiraja Bahadur, I have no vote on this Bill. I do not quite know why I have no vote. As I have said before, I am both a taxpayer and a father of a family. However, there are plenty of people who have no votes in this world, so I do not complain about this. All I say is that if I had a vote, I should vote against the Bill."

The PRESIDENT said :—

"I think it would be an advantage to the Council if they had the views of the Hon'ble Member who is in charge of the Bill upon the amendment which has been moved and also the views of the Hon'ble Member who is the subject of the amendment. I do not know whether the Hon'ble Member has ascertained from the Hon'ble Mr. Payne whether he would be willing to serve on the Committee. But perhaps the Hon'ble Mr. Payne himself will say whether he is willing to serve."

The Hon'ble MR. PAYNE said:—

"My lord, I should be willing to serve if I am elected."

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY said :—

"I shall be very glad to have the Hon'ble Mr. Payne in the Committee.

About a certain remark made by the Hon'ble Rai Radha Charan Pal Bahadur, I must say that I know the members of the Corporation are all sober men."

The PRESIDENT said :—

"The amendment before the Council is that the Hon'ble Mr. Payne's name should be included in the list of members of the Select Committee."

The motion was then put in the following modified form and agreed to :—

That the Bengal Juvenile Smoking Bill, 1917, be referred to a Select Committee consisting of the Hon'ble Sir Nilratan Sarkar, the Hon'ble Sir Deba Prasad Sarbadhikari, the Hon'ble Mr. Arden-Wood, the Hon'ble Major-General Robinson, I.M.S., the Hon'ble Mr. O'Malley, the Hon'ble Mr. Wordsworth, the Hon'ble Rai Priya Nath Mukharji Bahadur, the Hon'ble Mr. Payne and the mover, with instructions to submit their report after two months.

LIST OF BUSINESS—ITEM No. 5.

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(under the rules for the discussion of matters of general public interest).

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI moved the following resolution :—

This Council recommends to the Governor in Council that in future, wherever practicable, suitable Muhammadan officers be appointed to be managers of the Muhammadan estates under the Court of Wards.

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Mr. Cumming.

He said :—

"My lord, at first sight this seems to be a racial question. Some Hindu friends of mine have pointed it out to me, and I thought I had better explain it. It has got nothing to do with racial question at all. I have raised this point only because in my opinion Muhammadans are best suited for this particular purpose in these particular estates. The original idea of taking the estates under the Court of Wards was—I speak subject to correction—this : that Government would be sure to get their revenue and would be able to see that the estates do not go to rack and ruin. These are unlike the estates in the hands of the receivers who do not care about the co-sharers or heirs of the estates. But in the case of the Court of Wards they look into the affairs of the estates and they look into the education and upbringing of the minors, that is, how they should be brought according to the manners and customs of Muhammadans in case of a Muhammadan family. In the management of smaller estates the Court of Wards managers stand in the place of *pater familias*—that is they have got to see what tradition the particular families in their charge should keep up to, what sort of society the minor should have, who should be allowed to come near the minor and who not. These things are very difficult for a Hindu manager to find out. There may be many relations, and the manager may not know whom to exclude from the society of the minors. There may be relations who have got some ulterior motives to become the minors' friends. Now all these things a Muhammadan manager will be able to find out more easily than a Hindu manager. Then about the education of boys. A Muhammadan manager will be able to spot out a suitable Muhammadan teacher for the boy, while a Hindu manager will have to go by only the educational qualification of the teacher. The character of the boys must be formed from the very beginning so that they may be good citizens afterwards. One gets more education in society than in schools. Then about the question of marriage. When the wards attain the marriageable age they must be married. A suitable match should be found ; a suitable family with which alliance can be made. In these matters ladies play an important part. A Hindu manager may not know which family is suitable and which not, or he might not be able to convince the ladies about the suitability of a family. All these can be performed if a suitable Muhammadan is appointed as the manager. There is another thing—it is the dealing with the ladies. When the boys are to be sent to schools the first opposition will come from the ladies. They will say if his father and grandfather had done well without going to school, why should the boy be sent. If a suitable Muhammadan is appointed, he will be able to convince the ladies. I have found all this from personal experience. The ladies may talk to a Muhammadan from behind the purdah. That may not be the case if a Hindu officer is appointed. Therefore this is not a racial question. This resolution has only been proposed for the benefit of the Muhammadan wards and I commend this to the attention of the Council."

The Hon'ble MR. CUMMING said :—

"My lord. I can understand the point of view of the Hon'ble Member who has put forward this resolution ; but, at the same time, I personally deplore the tendency to denominationalism which it indicates. I may say at once that Government are not prepared to accept the resolution in the form in which it stands at present ; but, as I shall explain, Government are prepared to go a considerable way to meet the Hon'ble Member.

What are the facts ? In the first place, it should not be overlooked that although the Court of Wards may, under the Act which constitutes it, receive orders and instructions from Government, yet the Court of Wards Act of 1879 gives full statutory powers to the Court of Wards,—not to Government,—to entertain such establishment as may be considered requisite for the management of an estate. The Hon'ble Member has referred to some particular

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Mr. M. Ashraf Ali Khan Chaudhuri; Rai R. C. Pal Bahadur.

matters affecting Muhammadan wards, their education, their upbringing and their marriage, and he spoke as if the Manager were in all cases the guardian of Muhammadan minors; but I can assure him that this is not so. I can certainly assure the Hon'ble mover that both the Court of Wards and the Collector do endeavour to obtain the advice of Muhammadans in all matters which affect the personal concern of Muhammadan minors.

In the second place, how many cases are affected by this resolution? The total number of estates belonging to Muhammadans which are at present under the Court of Wards is only nine. One of these is managed by a Muhammadan, five by Hindus and two by Europeans, and in one the Manager has not yet been appointed. Out of the seven estates which are managed by non-Muhammadans, four again are small estates which, for reasons of economy, are managed jointly with Hindu estates. It is evident, therefore, that there are only three Muhammadan estates which can reasonably be covered by the Hon'ble Member's resolution.

In the third place, the Court of Wards as a trustee is bound to appoint the most suitable candidate available, and in doing so, the Court has, in the past, given full and sympathetic consideration to the wishes of proprietors. To aid in the selection of candidates, the Court maintains a register of applicants for managerships. I find that out of the 83 names which are now on the register, there are only three Muhammadans. It is, therefore, a fair inference that the number of Muhammadans who offer themselves is extremely small. It may be said at once that the Court of Wards is in sympathy with the object which the Hon'ble mover has in view, and that in accordance with its usual practice it does pay special attention to the claims of Muhammadan candidates as Managers of Muhammadan estates; but it cannot bind itself to appoint a Muhammadan in all cases, or as the resolution reads, wherever practicable, as this may not be expedient or indeed may be opposed to the wishes of the ward, even if a suitable Muhammadan can be found.

I may state, on behalf of the Court of Wards, however, in connection with the three estates, to which I have already referred, that if in the future the management of any of them becomes vacant, the Court of Wards will be quite willing to give preference to a Muhammadan applicant over a Hindu with equal qualifications.

In view of this statement of facts, perhaps, the Hon'ble Mover might see his way not to press the resolution; or, in the alternative, if he were prepared to add the words 'and desirable' after the words 'wherever practicable', Government would be prepared to accept the resolution in its amended form. The resolution would then run as follows:—

'This Council recommends to the Governor in Council that in future, wherever practicable and desirable, suitable Muhammadan officers be appointed to be managers of the Muhammadan estates under the Court of Wards.'

I suggest these two alternatives to the Hon'ble Member."

The Hon'ble Mr. M. ASHRAF ALI KHAN CHAUDHURI SAID:—

"I accept the amendment."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said:—

"I submit, my Lord, that due notice has not been given of this amendment to the Council according to the rules.

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The President: Rai Radha Charan Pal Bahadur.

The PRESIDENT said :—

"The rule is as follows. Any Hon'ble member can object to an amendment being moved unless due notice has been given. But the President has got power, if he thinks it desirable, to suspend that rule. It is not clear whether the Hon'ble Member objects to the amendment being moved".

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"I think due notice of that amendment should be given and therefore according to the rules, I object to the amendment being moved at this stage. I want to speak something on this amendment if your Lordship will permit me before the question as a whole is taken up."

The PRESIDENT said :—

"The Hon'ble Member is now making an objection to the amendment being put and if he wishes to say anything on that point he may do so. But he must confine his remarks to his reasons for my not putting the amendment to the Council."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"As the notice of the amendment now proposed by the Hon'ble Mr. Cumming was not given to us, we are not in a position now to state our objections very fully. On that ground I oppose the amendment at present."

The PRESIDENT said :—

"In view of the fact that the mover of the resolution is prepared to accept the amendment, I do not consider that the Hon'ble Member's objection should prevail. Therefore, in exercise of my power, I suspend the rules and allow the amendment to be put before the Council. The amendment is now before the Council."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"I oppose the original resolution as well as the amendment. I may say that no case has been made out for moving that resolution. In the first place, the speech of my Hon'ble friend does not disclose any ground for the acceptance of the resolution. In the motion the Government are requested to make a sort of ruling that in future whenever practicable and desirable, suitable Muhammadan officers should be appointed to certain posts. I do not at all object to Muhammadan officers being appointed to any post, but I object to a resolution being framed in a sectarian spirit. We are not of course willing to hamper the wishes or the advancement of the Muhammadan community in any way. But it is against the declared policy of Government to decide such matters in a sectarian spirit. It has been stated my lord, that there are nine Muhammadan estates under the Court of Wards, two or three of which are managed by Muhammadan Managers, five by Hindu Managers and for the remaining estate, the manager has not yet been appointed. The appointments are in the hands of Government who are not unfriendly to Muhammadan interests and the appointments are filled up, I have no doubt, having due regard to the claims of Muhammadans. I therefore fail to see any urgent reason for moving this resolution. Another reason has been put forward and it is this: that the education of the wards would be better conducted by Muhammadan officers who could also act as their guardian tutors. There are big estates, my lord, belonging to both Hindu and Muhammadan zamindars which are administered by European officers and I do not think that as yet any difficulty has arisen with regard to the education of the wards or the social prestige of the family in these estates. In

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Mr. Ashraf Ali Khan Chaudhuri; The President; Babu Surendra Nath Ray.

cases affecting social or educational matters, the Manager always consults the wishes of the family or seeks the advice of a representative member of the community connected with the family and acts accordingly and there has been no difficulty in this connection. I do not think any case has been made out for passing this resolution and I oppose it, not for the purpose of opposing Muhammadan interests but because we as a Council, should not pass a resolution on sectarian lines.

The Hon'ble Mr. ASHRAF ALI KHAN CHAUDHURI said :—

"My lord, I can assure the Hon'ble Rai Radha Charan Pal Bahadur that I am not going to mix the two functions of guardian-tutor and manager into one. My Hon'ble friend says he has no objection if in the interest of the estate a Muhammadan officer is appointed. He was not opposed to Muhammadan interest. In small estates they cannot afford to keep a manager and again a guardian-tutor. If they have to appoint a guardian-tutor they would get an ordinary man on Rs. 50 or Rs. 100, but if there is a Muhammadan manager he can at the same time do or help in the work of the guardian-tutor of the ward. Therefore, it is in the interest of the minor and the estate that a Muhammadan Manager should be appointed. A Hindu officer is not expected to know the idiosyncracies, the manners and customs, which play an important part in the upbringing of a Muhammadan boy and make a good citizen of him There are nine estates in Bengal of which two are managed by Europeans, five by Hindus and one by a Muhammadan. There may be cases where it is desirable and practicable to get the services of an Indian Civil Service man. I have no objection to that—those estates may be very big—that is not the point. There is no knowing that in future there will not be more Muhammadan Estates under the Court of Wards. My resolution, as amended by the Hon'ble Mr. Cumming, does not say that there should be a hard and fast rule for appointing Muhammadans. All I want is that where the Muhammadans are required they should be there. It was said that no complaints are made. From the very beginning the Hindus were there. Some of the wards are educated and some not. Those who are educated have perhaps got nothing to complain of and those who are not educated cannot complain owing to their ignorance. I think I have made out a very strong case and I would press it to the Council."

The PRESIDENT said :—

"To the original motion an amendment has been made that the words 'and desirable' be inserted after the words 'wherever practicable.'

The question that I have to put to the Council now is that the amendment be made."

The motion was then put in the following modified form and agreed to :—

"This Council recommends to the Governor in Council that in future, wherever practicable and desirable, suitable Muhammadan officers be appointed to be Managers of the Muhammadan estates under the Court of Wards."

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble BABU SURENDRA NATH RAY moved the following resolution :—

This Council recommends to the Governor in Council that the Local Government may be pleased to recognise the Calcutta Medical School and College of Physicians and Surgeons, Bengal, for the purposes of the Schedule

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Babu Surendra Math Ray.

to Bengal Act VI of 1914, in order that the holders of certificates granted by the said school may be entitled to have their names entered in the register of registered practitioners.

He said :—

"My Lord, the Bengal Medical Act which is known as Bengal Act VI of 1914 was passed by your Lordship's Government in 1914. It was an Act to provide for the registration of Medical practitioners in Bengal. In the Schedule to the Act we find the persons who are entitled to have their names entered in the Register and among others we find—

Every person who has been trained in a Government Medical College or School in India or in a Medical School in India not maintained but recognised by the Local Government, for the purposes of this schedule, by notification in the *Calcutta Gazette*, and holds a diploma or certificate, granted by the Government, or granted by a Medical School not maintained by Government but recognised as aforesaid, declaring him to be qualified—

(*a*) to practise medicine, surgery and midwifery, or

(*b*) to perform the duties of military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon.

In 1916, an Act was passed by the Imperial Legislative Council being Act VII of 1916, to regulate the grant of titles implying qualifications in Western medical science, and the right to confer degrees was specified in the Schedule to that Act as well as by such other authority as the Governor-General in Council may, by notification in the *Gazette of India* authorize in this behalf; and in the *Gazette of India* of the 12th January 1918, we find the following notification:—

In exercise of the powers conferred by section 3 of the Indian Medical Degrees Act, 1916 (Act VII of 1916) the Governor-General in Council is pleased to authorize the institution now known as the Calcutta Medical School and College of Physicians and Surgeons of Bengal, situated in Belgachia (Calcutta) to grant certificates of attendance and proficiency to such students as shall have passed the fourth year examination of the said institution prior to the 16th March 1918, subject to the following conditions, viz.:—

(1) that such students shall have completed their second year's tuition prior to the 16th March 1916, and shall have passed the second year examination of the said institution held in March 1916;

(2) that such students shall have passed the third year examination of the said institution prior to the 16th March 1917; and

(3) that the said institution shall, prior to the 16th June 1918, furnish to the satisfaction of the Surgeon-General with the Government of Bengal, evidence that such students have passed the fourth year examination of the said institution.

It will be seen that under the notification of the *Gazette of India*, the Calcutta Medical School and College of Physicians and Surgeons of Bengal situated at Belgachia has been recognised by the Government of India as a College authorised to grant certificates of attendance and proficiency to certain students of the College. Under the rule as it now stands the students of the said Belgachia College are not authorised to have their names entered in the Register of Registered Practitioners because the said College

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Babu Surendra Nath Ray.

has not been notified in the *Calcutta Gazette* as one recognised by Government. This is no doubt very anomalous, but still the anomaly exists. As under the Bengal Medical Act of 1914, medical practitioners who have not got their names entered in the Register of registered practitioners are deprived of certain valued privileges and as the Belgachia College has now been recognised by the Government of India as a College competent to grant certificates of proficiency to certain of its students, I hope your Lordship's Government will also recognise the said College by notifying the said fact in the *Calcutta Gazette.*

The Belgachia Medical College before its affiliation to the Calcutta University in 1916, consisted of a non-affiliated school department and a non-affiliated College Department. It was in 1914 that the school department was closed and the old College Department was replaced by a first grade University College and this after a series of negotiations with the Government. Fresh admissions both in the old school department and College Department were stopped, but it was understood that all existing students would be given legitimate facilities to qualify themselves. I ought to mention here that in the case of students of the College Department with a five years' curriculum, the last batch of students were admitted in 1912 and in the school department with a four year's curriculum, the last batch were admitted in 1913. These students at the time of their admission either in the College or in the school department, never thought of the passing of the Bengal Medical Act of 1914 nor did they ever think that an Institution known as the Bengal Medical Faculty would be created, to add to their difficulties. The Medical Degrees Act was passed in 1916 by the Government of India. The effect of the passing of this Act was to deprive all privately managed medical institutions such as the Belgachia Institution of the power of granting diplomas or a registrable certificate. The Government of India have, as I have already stated, by a notification in the *Gazette of India* authorised the Belgachia College to grant certificates of attendance and proficiency to certain students of the College who have got their admissions before 1914. I move that the said school may be recognised by your Lordship's Government by a notification in the *Calcutta Gazette* so as to bring the institution under the provisions of the Bengal Medical Act of 1914 and thus enable certain qualified students to register their names under the said Act.

When the Medical Act was passed in England in 1858 all the so called medical practitioners, whether properly or irregularly qualified, were declared entitled to be registered by Section XVII and Schedule B of the Act and by Section XLVI of the same Act the general Council were empowered to dispense with any provisions of the Act in favour of, among others, such medical students as had commenced their professional studies before the passing of the Act.

The Bengal Medical Act of 1914, stands in the way of a number of students who got admission as students of the Belgachia School and College before the passing of the Act, even if they passed the necessary examination of the school and college and obtained certificates of proficiency under the Indian Medical Degrees Act of 1916 of having their names entered in the register of Registered Practitioners. But if the said School and College be recognised by Your Lordship's Government by a notification in the *Calcutta Gazette*, the bar now standing in their way will be removed.

My resolution only aims at recognizing the certificates of proficiency of those who have passed from the Belgachia School and College after 1914, *i.e.*, after the passing of the Bengal Medical Act, and not those who have done so before the passing of the Act.

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Sir Nilratan Sarkar; Rai M. C. Mitra Bahadur; Babu K. M. Chaudhuri.

I know, as a matter of fact that some of the diploma-holders of the Institution are working with credit to themselves and satisfaction to the College authorities as House Surgeons in the Albert Victor Hospital attached to the Belgachia Medical College, but they will be placed at a great disadvantage in competition with their fellow practitioners who have the privilege of having their names entered in the register of Registered Practitioners. The concession I ask for is one that in justice and in all fairness ought to be conceded. I hope Your Lordships' Government will see their way to accept my resolution."

The Hon'ble SIR NILRATAN SARKAR said :—

"My lord, I think it my duty to support this resolution. The case of these poor students is very hard indeed. They took their admission into the Calcutta Medical School and College of Physicians and Surgeons, Bengal, with the idea that they would eventually be permitted to go up for the State Faculty Examination; but before they were there for two or three years they learnt to their great disappointment that it would not be possible further to go up for these examinations. Some concession was granted for two years, but that concession did not apply to the case of these students. The Resolution of this Council of January last might have given them an opportunity if that Resolution had been given effect to wholly. But only one portion of it was given effect to. Their number is not large, in fact only about thirty. The College of Physicians and the Calcutta Medical School have now been merged into one College which is affiliated to the Calcutta University. So, there is no possibility of the multiplication of this class of students. I pray that the concession asked for in this resolution may be granted to the poor students."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My lord, I beg to support the resolution moved by the Hon'ble Babu Surendra Nath Ray. There can be no doubt that these poor students have been stranded in a difficult situation. They have been receiving their education in a school and they are now told, on account of the passing of the Act of 1918, they are not entitled to get registration. Now if the Council recommends that their names be registered, that may be another step. The Hon'ble Babu Surendra Nath Ray has referred to certain precedents, *namely*, the procedure that was observed in England on account of the passing of a certain Act. All these matters demand the consideration of the Council and also whether any effective step can be taken for the purposes of having them registered. I solicit the Council to consider that if there be any legal difficulty, I submit, it can be obviated by the extraordinary power which your Excellency possesses and this Council possess and have these students registered as practitioners. The final school test may be considered as the standard of qualification and there is no necessity of making them pass other examinations in order to see whether they are fit and competent to be registered as practitioners. These are my views, my Lord, as regards this motion".

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My lord, I fully support the resolution moved by my Hon'ble friend. The demand is a very modest one. Only a limited number of students have been put to great difficulty through no fault of theirs. I fully sympathise with them. It is not necessary to repeat the arguments that have already been submitted before the Council. I support those arguments, and I hope the concession will be granted.".

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The Hon'ble SIR HENRY WHEELER said :—

"My lord, this is one of the troublesome Resolutions connected with the administration of the two Medical Acts, and is in a way an echo of the Resolution that was moved in this Council last January. When I say 'troublesome Resolutions', I mean that it is difficult briefly to explain what is a somewhat technical subject and it is not easy for persons—non-technical persons—not fully acquainted with all the aspects of the case, to appreciate technical details and difficulties. I am afraid, therefore, I shall have to recapitulate to some extent the old history of these Medical Acts, as passed both by the Bengal Legislative Council and that of the Government of India, although it must be already known to some Hon'ble Members, and although, in fact, some actually took part in the local legislation.

In the old days there was no special legislation dealing with medical degrees at all, neither did the necessity of having such legislation attract the attention of Government till about the years 1905-07 when the matter came to a head in Calcutta in this way. In the early eighties there had been one non-official medical school in Calcutta, but between 1905-07, owing to disagreement between the promoters of that school, certain of them on various occasions split off and founded other institutions, with the result that towards the end of that period, Government found itself confronted in Calcutta with three more non-official schools competing with one another and giving a so-called medical education which was not of any recognised satisfactory type. I do not wish to revive old animosities or bitterness by repeating the criticisms advanced against these schools. Some of them were commonly styled "diploma-shops," that is to say, so-called schools where, by the payment of certain fees, students could, at the end of a certain period, obtain a so-called medical diploma, though it in no sense connoted a degree of training possessed by men fully qualified in Western medical science. Government, finding itself, therefore, faced with this situation, proposed legislation as far back as 1908 ; and I lay stress upon this date in order to refute the statement that is sometimes made that all this legislation came upon the unhappy boys studying in those schools as a bolt from the blue. It was nothing of the kind ; the question of this legislation regarding medical registration was in the air for years. As I have said, the Local Government actually proposed legislation in 1908. It went up to the Government of India, who at that time said that if we wanted to legislate it might excite a certain amount of opposition. They advised us to try and get all these medical bodies to come together and found a first class non-official medical school which could secure a proper recognition. For about three or four years the local Government strove in negotiation with the promoters of these schools to come to such an arrangement. I was Medical Secretary at that time and actually took part in those negotiations, which, however, failed, as the people who were interested in individual institutions could not agree as to which was practically to absorb the others. Therefore, all that time the matter remained undecided, until we came to 1913, when the local Government again proposed the legislation which ultimately became the Bengal Medical Act. It was introduced in December 1913 and passed in 1914. I again call the attention of the Council to the dates. Shortly afterwards the Government of India, in September 1915, introduced the Indian Medical Degrees Bill, and that was passed into law in March 1916. Therefore, the medical legislation in this country of the particular kind with which we are now concerned, consists of two Acts—one is the Bengal Medical Act of 1914 and the other is the All-India Act of 1916.

I will now explain what these two Acts purport to do. Our Act of 1914 created a Medical Council, consisting of professional men, to regulate the efficient conduct and practise of that section of the medical profession which

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follows Western methods. The Medical Council was entrusted with the framing of a register of medical men who were recognised as holding satisfactory qualifications, after scrutiny of the applicants for registration. The fact of ultimately being put on the register gave an enhanced status to the registered practitioner as compared with the non-registered. That is what the Act of 1914 did, and the degrees recognised were either those which are recognised as registrable under the English law or which are conferred by the Universities, etc., of this country. Such degrees were specified in a schedule appended to the Act. Later, the Act of 1916, which applied to all India, enacted that no person who is not authorised, and no institution which is not recognised, should grant degrees purporting to say that the holder is qualified to practise Western medical science; and that anybody who uses a colourable imitation of the well-known degrees, such as M.D., L.R.C.P., etc., shall be liable to prosecution, the intent being that such degrees should connote a definite standard of efficient medical education, and that people should not be allowed to deceive the public by using somewhat similar letters, usually accompanied by qualifying words which might not ordinarily catch the eye, which might lead the ordinary layman to take them as degrees of the established Universities. These, then, are the two existing Acts, and I would emphasise one matter in regard to them, that neither of these two Acts prevents a person from practising medicine. That is a point which is often overlooked when we hear about these poor students: they *can* practise to-morrow; only unless they can satisfy the standard of the Acts, they cannot represent to the public that they are what they are not.

Now, this being the law, we come to the particular recommendation of the Resolution, which asks us to recognise this Calcutta Medical School, commonly known as the Belgachia Institution, for the purpose of the schedule of the Act of 1914; that is to say, we are to recognise it as an institution which is entitled to grant a degree, or a title, or a certificate of qualification, of a standard equal to the others which are included in the schedule to that Act; and the section which has a particular bearing on the action which we are asked to take is section 18. When we started, we put into our schedule the existing efficient institutions, but obviously other new institutions of a perfectly efficient type might subsequently come into being. Therefore, the Act took power to put them in the schedule, and the section says that if the Medical Council are satisfied that such an institution is of an efficient type, they can recommend its inclusion to the Local Government. It is under that section that we are asked, as a Local Government, to include this Belgachia Institution in the schedule.

Now, as to the procedure proposed. The procedure of the Act is one dealing with a professional subject. It rightly puts the judgment on a professional subject into the hands of professional men; they examine the qualifications of each institution, and certify to the Local Government, whereupon the Local Government acts. I submit that this is the wise method of coming to a decision on a subject involving professional qualifications. But, departing from that wise procedure of the Act, Government is now asked to intervene in the interests of a particular institution, sweeping aside this recognised body of the Medical Council which is its accredited adviser in these matters. I put it to the Council that that is a political departure of a bad type, merely as a matter of procedure.

There are, however, other objections on the merits. As I have already said, what we are asked to do is to say that the Belgachia School is an institution which can give a registerable degree. Now, at no time has the Belgachia Institution ever granted a title or a certificate of qualifications which has been accepted as a sufficient guarantee of an efficient medical education; neither has it done so even since the days of its affiliation. It

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is not, an examining body even now. Its students have never gone up for any recognised degree examinations of its own, and this institution has never given a title or certificate which would enable us, even if we wanted to do so, to put it in the schedule. What Belgachia used to grant before the days of the Medical Degrees Act of 1916, were those degrees to which I have referred as colourable imitations of the better known degrees. That was, of course, stopped by the Act of 1916, and it is a very relevant point that when our Act of 1914 was before the Council, amendments were actually moved, suggesting that the Belgachia diplomas should be made registrable, but they were negatived. That is to say, the matter was considered at the time and decided against Belgachia. However, as I have explained, before the Act of 1916 they gave diplomas of a kind, and the Hon'ble Member who, moved this Resolution does not seem to appreciate that if we give effect to it all these diplomas will at once become registrable. Therefore, we should be in the ridiculous position of having enacted legislation especially to prejudice these diplomas which are regarded as of an undesirable type, and then having got that legislation through Council, and in spite of it, of saying that these diplomas shall be registrable. That position is surely absurd, and if that is so as regards these old diplomas, it is more so as regards the new certificates, and the argument really disposes of the second part of the resolution, which turns on the use of the word 'certificate,' because a diploma connotes something higher than a certificate. It follows as a matter of course that if you cannot properly register a diploma, you cannot properly register a certificate. But as this word 'certificate' has been introduced, and may lead to misunderstanding, I must take up the time of the Council in explaining further details.

After the Act of 1914 was passed, the State Medical Faculty instituted an examination of its own carrying a registrable qualification. When that Act was under discussion in this Council, it was urged that it would be very hard luck if persons who were already in practice were not allowed to appear at that examination. It was said that we were going to take away the means of livelihood from these men through no fault of their own, and in order to meet their case, a "transitory clause" was enacted, which, for a period of two years, allowed people to go up for the Faculty Examination on a certificate that they had undergone a full course of training in any medical college or school. That is the kind of certificates which were granted, but although the transitory clause was meant primarily for existing practitioners, the Government of our predecessors allowed those persons to benefit by it who were not actually in practice in 1914, but who between the years 1914-16, passed out of the Belgachia Institution. However that does not affect the fact that the certificates which were then given were certificates, for the purpose of the transitory clause, of having undergone a full course of training. It is inaccurate to describe those certificates, as they have been described to-day, as having been recognised by the Government of India as efficient qualifications. I find that the Hon'ble Babu Kishori Mohan Chaudhuri said in January last, when this subject was debated, 'that this' (the notification of 1918) 'shows that the Government of India are also satisfied that students passed out of the Belgachia Medical College are fit to practise Western Medical Science under the Indian Medical Act of 1916.' I submit that it shows nothing of the kind, and that such a statement is entirely contrary to facts. These certificates that were first given by the Belgachia Medical School were given, I repeat, in order merely that those who held them could go up for the Faculty examination.

But, Sir, there was another kind of certificate that came in through another channel, and I would like to explain that also. When the Government of India legislated in 1916, we had the same arguments advanced that it was very hard on the boys who were then in these unrecognised schools, if we passed this Act, that they would not even be able to get the so-called

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diplomas to which they looked forward. The Act was passed by the Government of India. I was then on the Imperial Council, and the Government of India recognising that these were cases somewhat analogous to these which the Local Government had previously recognised here, and that men who were at that time in the third and fourth year classes could not very well start afresh, gave an assurance in Council that, although they could not admit such documents as registrable, they would allow efficient schools to give for a period of two years, certificates to boys in the third and fourth year classes. That concession, therefore, introduced certificates of a somewhat different kind to those which we gave in connection with the Faculty examination, although the form was the same, and the reason for confining it to the third and fourth year students was that it was a concession which it was desirable to keep within as narrow limits as possible, while men who were then in the first and second year classes could go and get an efficient medical education elsewhere. This procedure of certificate was recognised by the notification of the Government of India issued in January, 1918, authorising the institution, now known as the Calcutta Medical School, and College of Physicians and Surgeons of Bengal, to grant certificates of attendance and proficiency to students who had passed the fourth year examination of that institution during a period extending up to the 16th March 1918, subject to certain conditions. It may be said 'Why did this notification only come out in 1918, while the Act was passed in 1916?' I have already told the Council how, on somewhat similar lines, Bengal had been issuing certificates for the purposes of the Faculty examination. In 1917 the Government of India wrote and asked whether Belgachia wanted to issue the certificates conceded in connection with the Medical Degrees Act; we said that they were already issuing certificates, and that these would suffice. The Government of India thereupon called for the form of certificate in use, and held that without a validating notification it infringed the provisions of section 3 of the Act of 1916. That is how the notification came to be issued only in January 1918, although it referred to a previously existing state of things. The important point is that such a certificate of the school is not a title or a qualification at all. It could not be so, because no body can grant such a qualification unless it is included in the schedule of the Act of 1916, which Belgachia admittedly is not. I hold in my hand a specimen of these certificates, and it merely certifies that the holder of it has undergone a proper training and has passed an examination. This does not indicate a recognised qualification. I have endeavoured to explain to the Council that these certificates are not certificates of the kind which would enable us to put Belgachia into the schedule. It is quite inaccurate to say that they have ever been recognised by the Government of India as such, and they are intended for an absolutely different object.

That, Sir, being the position, I hope that I have made it clear that we could not act under this Resolution, while even if we could, we are being approached through a wrong channel, and we are asked to do a thing which will stultify the whole of the legislation we have undertaken since 1914. The arguments of January 1918 have again been used. It is said 'It is a small concession, why not grant it for the benefit of a few students?', apparently intending that in a moment of weak good nature we should allow them to have it. But I have explained the objections of principle and the impossibilities which are involved. As regards the allegation of hardship, I have already explained that these students can go out and practise in the bazaar to-morrow; the only thing they may not do is to represent themselves as being what they are not. A concession was made to them in order to allow them an opportunity of going up for the Faculty examination. As a result of the debate in January last, we extended that concession and practically they were given two more chances. If they went to a school, knowing full well that these restrictions

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on medical degrees were in the air as far back as 1908, they have no right to come before us now and say that they have been badly treated because, in the face of what they knew, they chose to stay in an institution which could not give them a registrable degree; they have to suffer from the consequences of what they themselves chose to do.

When the Resolution in January last was discussed, I was not present in Council, and if I had been present, I would certainly have spoken against it. That Resolution, however, merely asked us to allow these students to go up for the Faculty examination; the present Resolution asks us to put them forthwith in the register, although they possess no qualification which we have ever recognised as connoting a qualification which entitles the holder to registration. To that extent the proposal is even more open to objection than its predecessor, and I am sorry that I cannot advise this Council to approve of it."

The Hon'ble Mr. P. C. MITTER said :—

"My lord, I feel some diffidence to take any part in the discussion of this resolution because as a layman I think I am hardly competent to take part in it. But emboldened by the example of the Hon'ble Sir Henry Wheeler, I venture to take part in the discussion. Sir Henry Wheeler although a layman has to take part in the discussion in discharge of his duty as the member in charge of the department concerned. I have also a duty to perform, namely, I have to vote on the Resolution according to my judgment and I, therefore, feel that I ought to point out the difficulties in the working of the Act which occur to me so that any other official member who takes part in the discussion may explain those difficulties to us. In the first place the difficulty that I feel is this: This Act was passed by the Bengal Council in 1914 and if this Act had laid down that future students would come within the operation of this Act no difficulty would have arisen. It is said that the Act was in the air from the year 1908. But that is hardly a sufficient reason for we often have legislative proposals which are dropped. If students who had entered the Belgachia Medical School and had paid their fees and had some sort of medical education—if they were allowed to appear at the examinations then why not students who entered the school one year afterwards but before the Act was passed? One reason why we are compelled to deal with this question now is because this anomaly did not occur to our predecessors, the members of the late Council who passed the Act of 1914. Ordinarily in passing Acts lagislator take good care not to interfere with any vested interest and I find that in the English Act provisions were introduced which safeguarded against complaints of this nature. That being so, a diploma of a Medical School was either good enough or not good enough. How is it that other students can have their names registered?"

The Hon'ble SIR HENRY WHEELER said :—

"They could not get their names registered—not unless they passed the Faculty examination."

The Hon'ble MR. P. C. MITTER said :—

"I meant students who passed before the Act was passed. But if I am wrong that argument falls. The main point is that when these students entered the Belgachia School the Act was not in force and for that reason find some difficulty in accepting the reasons of my Hon'ble friend."

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The Hon'ble BABU SURENDRA NATH RAY said :—

"My Lord, Sir Henry Wheeler is right in saying that this is an echo of a resolution which was passed in this Council in January last. The resolution which was passed was this :

'This Council recommends to the Governor in Council that the last batch of students of the Belgachia Medical School admitted in the year 1913, and those who failed for the first time in one or two subjects in the Faculty Examination held in November 1916, be granted an opportunity to appear at the Licentiate Examination of the State Medical Faculty of Bengal as has been previously allowed in the case of other students.'

So this resolution resolves itself into two parts ; (1), that the last batch of students who got their admission in the Medical School before 1913 be allowed to appear ; and (2), that the plucked students be allowed to appear. Government allowed the plucked students to appear at the examination, but did not allow students who were admitted to the school in 1913 to appear. Now I hear that the boys ought to apply, instead of coming to the Council, to the State Medical Faculty. Why, the resolution was passed by this Council to admit both the students of the Belgachia Medical School who had got admission before 1913, as well as the plucked students to appear in the examination, but only a portion of it was accepted by Your Lordship's Government. The boys are willing to subject themselves to the prescribed examination even now if Your Lordship pleases to grant them that privilege ; but as Your Excellency's Government are unwilling to allow them to appear in that examination, they will try to get this privilege by some other way. Now it appears that the Government of India by its notification, dated 12th January 1918, recognised the Belgachia Institution as one of the medical schools competent to grant certificates of proficiency. The Hon'ble Sir Henry Wheeler has said that a squabble had been going on between three rival medical schools since 1908 ; that might be true, but the Government of India having recognised only the Belgachia School as the school which is competent to grant certificates of proficiency by this notification, viz.,—

The Hon'ble SIR HENRY WHEELER :—

As a statement of facts that is inaccurate ; they have also recognised the Medical School.

The Hon'ble BABU SURENDRA NATH RAY continuing :—

I have already placed the notification. This notification must be read along with section 3 of the Act of 1914. This section was passed by the Government of India and it runs as follows :—

'The right of conferring, granting, or issuing in British India degrees, diplomas, licenses, certificates or other documents stating or implying the holder, grantee or recipient thereof is qualified to practise Western medical science, shall be exercisable only by the authorities specified in the schedule, and by such other authority as the Governor-General in Council may, by notification in the *Gazette of India*, and subject to such conditions and restrictions as he thinks fit to impose, authorize in this behalf.'

Then, in the *Gazette of India* of the 12th January 1918, it was notified that in exercise of the powers conferred by section 3 of the Indian Medical Degrees Act of 1916, the Governor-General in Council was pleased to authorize the Institution now known as the College of Physicians and Surgeons in Bengal situated in Belgachia, Calcutta, to grant certificates of attendance and proficiency to such students as shall have passed the fourth year examination

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of the said Institution prior to the 16th March 1916, subject to certain conditions mentioned in that notification. Now, if any certificates have been granted to these students they are certainly certificates of proficiency, and according to section 3 of the Act of 1916, the holders of such certificates are qualified to practise Western medical science. So, these students of the Belgachia School have got certificates which show that they are qualified to practise Western medical science and having got these certificates they come before Your Excellency's Government to have their names registered under the provisions of the Schedule to the Bengal Medical Act. The Hon'ble Sir Henry Wheeler has said that these students can go and practise medicine in the bazaars, and that there is nothing to prevent them from practising, only that they are not allowed to put on degrees such as L. R. C. P. S., etc. But as a matter of fact they are not allowed to practise like those who have got these registered qualifications. I know from personal experience, and I am in a position to state this. About three years ago I had been to one of the Mills at Titaghur and the Mill Manager of Messrs. Bird & Co. told me, that he had a doctor there who had been serving with satisfaction for the last 10 years under him. Under the Medical Act which had been recently passed, he would not be able to keep him any longer in his service, as under the Government rules the Civil Surgeon attend the Mills once a month or once in three months, and all the labourers there have to show certificates from a recognised Doctor. The old doctor was a recognised doctor all along, but after the passing of the Medical Bill his certificate has been found to be insufficient, and they have to get rid of this man and get another man who had the qualifications required by this new Act. So that it is not a fact that doctors who have got certificates of proficiency from the Belgachia school will be entitled to practise in the same way as other doctors who have got registrable qualifications. These students want to appear at this examination, but Your Lordship's Government will not allow them to appear. What are they to do? Nobody knows why, my Lord, the first part of that resolution was not accepted. This is all that I have to say, in reply to the remarks of the Hon'ble Sir Henry Wheeler."

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, I have no wish to retraverse the arguments which I have already adduced. If I have not been able to convince Hon'ble Members by what I have said, nothing more that I can say will do so. But I must again point out that the final arguments of the Hon'ble Babu Surendra Nath Ray are fallacious, while, if they were correct, an unfortunate consequence is hanging over the members of the Managing Committee at Belgachia. If, despite my explanation, the Hon'ble Member still maintains that these students hold certificates that they are qualified to practice Western medical science, and if that contention is valid, then in so far as Belgachia is not legally empowered to give any such qualification, I feel it my duty to warn the members of its Committee that they are individually liable to a fine of Rs. 500."

The Hon'ble BABU SURENDRA NATH RAY said :—

"Before the division is taken, my Lord, I should like to say a few words."

The PRESIDENT said :—

"You cannot address the Council after the question has been put."

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The Hon'ble BABU SURENDRA NATH RAY said :—

"I do not wish to speak upon the question, my Lord, but upon the right of voting by official and non-official members."

The PRESIDENT said :—

"If the Hon'ble Member wishes to put a point of order he may."

The Hon'ble BABU SURENDRA NATH RAY said :—

"It is this, my Lord. On the last occasion when a similar resolution was moved by my friend the Hon'ble Babu Kisori Mohan Chaudhuri, the Hon'ble Maharajadhiraja Bahadur of Burdwan voted with us, and the Government was defeated. I ask your Lordship to allow the members to vote as they like. I can cite a precedent for it. Only a few months ago in the Imperial Council, His Excellency the Viceroy allowed the official members to vote as they liked on the Income Tax Bill. Why should not a similar indulgence be shown to us now ?"

The PRESIDENT said :—

"So far as the Maharajadhiraja Bahadur of Burdwan is concerned, he can exercise his own discretion as he likes. I do not wish to restrict his discretion."

A division was then taken with the following result :—

Ayes—21.

The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Sir Nilratan Sarkar, KT.
" " Mr. Aminur Rahman.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Babu Siv Narayan Mukharji.
" " Sir Deba Prasad Sarbadhikari, KT., C.I.E.
" " Rai Radha Charan Pal Bahadur.
" " Mr. F. W. Carter, C.I.E., C.B.E.
" " Mr. W. E. Crum, O.B.E.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " Mr. Altaf Ali.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " Mr. K. B. Dutt.
" " Babu Kishori Mohan Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.

Noes—17.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I, K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. L. S. S. O'Malley.
" " Mr. F. A. A. Cowley.
" " Mr. H. P. Duval.
" " Mr. C. H. Bompas, C.S.I.
" " Mr. W. C. Wordsworth.
" " Mr. C. F. Payne.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. J. W. Hely Hutchinson.
" " Mr. E. B. Eden.
" " Mr. H. R. A. Irwin, C.I.E.

The following member abstained from voting :—

The Hon'ble Kumar Shib Shekhareswar Ray.

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Mr. Irwin.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
" " Mr. J. Donald, C.I.E.
" " the Nawab Bahadur of Murshidabad, K.C.S.I., K.C.V.O.
" " Mr. J. Mackenzie, O.B.E.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Rai Sri Nath Ray Bahadur.
" " Babu Mahendra Nath Ray, C.I.E.
" " Babu Ambika Charan Mazumdar.

The Ayes being 21 and the Noes 17 the motion was carried.

LIST OF BUSINESS—ITEM No. 7.

The Hon'ble MR. H. R. A. IRWIN moved the following resolution :—

This Council recommends to the Governor in Council that Government be pleased to appoint a small expert Committee with as little delay as possible to inquire into the abuses and difficulties in connection with the circulation of the one-rupee notes in Bengal, or to take such other steps as may be deemed advisable to minimize the hardship and loss incurred by the poorer classes in Bengal in using the notes who have no means of getting their just grievances remedied.

He said :—

"With the object of obtaining the assistance of Government in the endeavour to remedy a grievance which is causing very considerable hardship among the poorer classes whilst at the same time not taking up the valuable time of the Council by unnecessary discussion, I brought the matter of the illegitimate hindrance to the free circulation of the new one-rupee notes before Your Excellency's Government at the Council Meeting of July last in the form of a question rather than by resolution, which occupies time. I respectfully requested Government to consider the desirability of taking such steps as might be deemed advisable in putting a stop to the illegal practice of demanding discount from ignorant people on Government Currency notes. The reply I received is as follows :—'The custom of charging a small discount for changing notes for larger amounts or silver rupees unfortunately prevails in regard to notes generally, although doubtless in respect of notes of so small a denomination as one rupee, it especially hits the poorer classes. There have been also reports as to the unpopularity of recent issues of small denominations and possibily they are not yet circulating freely. It is hoped that matters may improve, when the novelty of those issues wears off and the practice of charging discount, which is much to be reprehended will be discouraged as far as possible.' I cannot help characterising this reply, my Lord, as unsatisfactory, and as during the last two months matters have grown worse rather than better, I have been urged to bring the subject up again and this I now do in the resolution I have read. I fully appreciate the great difficulty Government must be experiencing in the matter of currency at the present time but surely we may expect some assistance in putting a stop to illegal extortion, more especially when it seriously obstructs the object Government is endeavouring to promote, namely, the free circulation of these new notes. It is in mufassal districts, especially, that the hardship complained of is most acute. The more out of the way the locality and the more ignorant the individual, the greater imposition and I do

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not think those residents in Calcutta or large cities are in a position to know the extent to which the very poor classes are victimized. The answer to my question which I quoted before says :—'There have also been reports as to the unpopularity of recent issues of small denominations and possibly they are not yet circulating freely.' As regards the latter supposition, I may give one very recent instance from my personal experience. On Saturday last, for my ordinary weekly payment to coolies, I drew Rs. 3,010-6-6 from my local banker and this amount was received and paid out in the following currency :—Five-rupee G. C. notes Rs. 500 ; one-rupee G. C. notes, Rs. 2,348 ; silver rupees Rs. 6 ; small silver coins Rs. 125 ; copper coins Rs. 31-6-6. I obtained this sum in exchange for a Calcutta draft on which I myself paid Rs. 11-4 discount. Now, allowing that a discount of one pice per note was charged to the possessors on only half the number of notes, it represents an aggregate loss of Rs. 19-12 defrauded from these coolies on one estate only and in one week only! Is it any wonder that there are 'reports as to the unpopularity of recent issues of small denominations?' The difficulty I complain of does not consist, however, of the matter of discount only. In the course of circulation from hand to hand it is naturally quite unavoidable that these flimsy bits of paper should become very much soiled and in this state, even though not defaced or mutilated, they are frequently refused by shopkeepers and others when tendered for payment. There is, and must be, a certain amount of quite unavoidable loss in connection with these small notes. A coolie receives a one-rupee note and tucks it into his or her waistband and goes on with the work in hand. It comes on to rain and in a short time the note gets soaked and reduced to a state of unrecognizable pulp. The possessor, of course, has to bear the loss but, as I have said, I think every endeavour should be made to minimise it as far as possible. I want to quote from the paper in which I read it that 'The Government of Bengal has issued a warning against people who refuse to accept currency notes except at a discount.' I accept this as a fact but I have not seen any warning or notification myself and how it has been promulgated I do not know ; possibly it has been affixed to notice boards at *kacharis* or police-stations. But if one in my position has no knowledge of it, how can it be expected that ignorant villagers in out-of-the-way rural places can be aware of it? Such a notification, to serve a useful purpose, should be made public by beat of drum in every bazar and *hât*, and the rural police should post up notices, printed in the vernacular, in every village in the province. I am quite aware, my Lord, that there is another side to the question, namely, that of the small shopkeeper. A coolie receives, say, five one-rupee notes for work done, and he goes to five small shops in succession buying a few pice worth of articles at each, tendering a one-rupee note and expecting to get fourteen or fifteen annas as the case may be at each. If everyone acted in a similar manner it would be impossible for the shopkeeper to carry on, as he could not possibly provide sufficient change, but this difficulty would wear off if the present suspicion as to the full value of the note, the solvency of Government, and the legality of charging discount, could be dissipated. I think, too, that much larger quantities of small coin, the one or two-anna nickel pieces, should, if possible, be coined and put in circulation. I have heard it stated by a Government officer that fewer eight-anna pieces might be coined as they are not wanted, but this is not my experience. I think that if larger quantities were available they would be more freely used and bound to relieve pressure. But, my Lord, I had no intention of suggesting a remedy for the difficulty I complain of. I am not an expert in such matters but surely amongst the many fianancial experts at the command of Government, some means can be suggested whereby the poorer classes may be protected from illegal extortion. There is one difficulty to overcome and that is to get sufferers to give specific instances of cases in which they have been mulcted of discount. They will complain generally but when asked to mention names

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will evade it and put up with the loss rather than incur the animosity of the shopkeepers. Personally, I think that the loyal manner in which the small notes have been accepted with scarcely a murmur is very creditable to the people, and I respectfully urge that Your Excellency's Government will take every step possible to reduce friction and minimise loss to the public."

The Hon'ble BABU BHABENDRA CHANDRA RAY said :—

"My Lord, the thanks of the Indian community are due to the Hon'ble Mr. Irwin for having brought up the present question for discussion to-day. The grievances of the poorer classes in the interior with regard to the new rupee-notes have been ventilated in the press for some time, and the attention of Government has often been drawn to them. But we do not seem to be anywhere near the remedy as yet. It must be admitted that the problem is a difficult one; but it has got to be solved all the same. The Hon'ble Mover has suggested the appointment of an expert Committee to go into the whole question. I hope it will count among its members representatives of the Indian community, for they are expected to know where the shoe pinches.

Connected with the question of the rupee-notes, there is another matter, my Lord, to which I take this opportunity to draw the attention of Government. It is the shortage of small coins in many of the District towns and in the interior.

I have received reports from the mufassal that the distress in this connection is becoming quite acute. It appears that in some places change cannot be obtained for paper money and the rupee, except at a premium. Tradesmen have sometimes to turn away customers owing to shortage of change. Even the Government District Treasuries find it difficult to cope with the demand for the coins of smaller value. Business is suffering greatly on this account and the people are being put to serious inconvenience. My Lord, something should be done immediately in the matter, and the assistance of the mufassal post-offices may be of great value in keeping up a uniform supply of small change.

I do not know, my Lord, whether the present position in Bengal is to be attributed to any disturbance in the general condition of currency and exchange in India. But it has given rise to much silly speculation, particularly among the ignorant classes in the interior. Your Lordship's Government should, for all these reasons, take prompt steps to ease the situation and dispel public anxiety."

The Hon'ble MR. HELY HUTCHINSON said :—

"My Lord, the Hon'ble Mover has dealt with the question, I think, very largely from the point of view of the tea districts. The community I represent deals chiefly in jute, and I wish to assure Your Excellency's Government that the European dealers in jute are doing, and will continue to do, everything they can, to assist Government in dealing with the present currency difficulty.

I find, however, that in considering this matter it is very difficult for me to confine myself to matters which affect Bengal only and do not affect the currency question as a whole, which is an Imperial concern. I hope Your Excellency will excuse me if, in attempting to deal with this question. I touch on matters which are Imperial rather than Provincial and with which this Council is not concerned.

The difficulties, I think, must be painfully obvious to the Controller of Currency and those who have to deal with it. For one reason or another, there is a shortage of silver, of one-rupee notes and small coins; and you

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are compelled by force of circumstances to try and popularise a paper currency among a people who are essentially hoarders and do not normally use banks and have no pockets. This is a wet country and a hot country; and if you give a note to a man who has to go out into the rains or who lives, as the raiyat does, in a great deal of water in the jute districts, it is very difficult for him to keep the note in good condition. It is not therefore surprising that the raiyat does not wish to keep it on his person. When it comes to hoarding it you are up against white ants, fire and water which affect notes much more than rupees. In addition to that, as far as the jute districts are concerned, we have the high price of jute, and that must to a certain extent, I think, upset the calculations which have been made as to the amount of currency, whether paper or silver, which will be required to finance the jute crop, and maintain a constant flow of jute into the Calcutta market.

When it comes to abuse, I find myself in great difficulty to say what is an abuse. In a previous announcement of Government it was said that money-changing was a custom of the country. The average rate for money-changing was, I think, one pice in the rupee. Can you, therefore, say that money changing is an abuse when money is changed at a rate of one anna or even two annas in the rupee? When you come to the question of a man charging discount if he is paid in notes rather than in rupees, can you blame the shop-keeper for wishing to be paid in rupees rather than in notes, and at the same time not blame the raiyats for wishing to be paid in rupees rather than in notes?

I think a mistake was made, and a serious mistake too, in trying to introduce these notes into the jute districts without any previous publicity. I know that in a great many cases, the first time that the raiyat knew of the notes was when it was offered to him in payment of jute, and he said, 'what is this; why should I be paid in paper?' At first he refused and after a good deal of moral persuasion that this note was worth 16 annas and after a good deal of grumbling, he took it; and when he went to the bazar, he found that it was not worth 16 annas and only 15 annas. I think, therefore, that a good deal of trouble might have been avoided, if, before the notes were introduced, something had been done by beat of drum in the villages or some such steps, to give the raiyats some warning and to popularise the notes in that way. It is very difficult to draw a general conclusion as to what is going on. The circumstances in the different districts vary tremendously; in some districts the discount rate is 12 per cent., in some it is 6; but my own belief is that the present position is not very encouraging. I do not believe that anybody takes a note except with the intention of getting rid of it as quickly as possible. I think that the shortage of small change is an evidence of that belief. I further believe that the raiyats will take notes when they have the prospect of the immediate payment of rents, as they have at the present time; but when the Pujas are over and when they have no longer any kists to pay, they will not be so ready to take notes with the prospect of hoarding them until the next kist falls due, or in cases where they have made a large profit on their jute, of hoarding them for an indefinite period.

As to the remedies, I believe myself that publicity through the agency of the Collectors or through the Village Unions and Panchayats and possibly through the thanas will do a lot of good. Then Government will have to consider whether they should try and introduce any co-ordination in the action of the various Collectors. The reports we have had from our jute districts show a tremendous variation. In the Dacca district some attempt was made to obtain publicity by beat of drum and some attempt has been made to change notes through the post-offices to the extent of five rupees per person per day. In Serajganj, I had a report that Government was financing

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discount shops at some jute centres at the rate of 2 pice in the rupee ; I cannot vouch for the truth of that ; and I believe Government have got the information whether this was done or not. I think that Government ought to take some kind of action, though what it ought to be is somewhat difficult to say, against the people who are deliberately depreciating the value of the notes in the mufassal by charging discount, and who are thus pandering to the feeling that the notes are less valuable than the rupees. This has been done not only by the discount profiteers who rush out to the mufassal with twenty or thirty thousand rupees from Calcutta or elsewhere, but also by a certain number of jute merchants who have brought up rupees in their luggage from Calcutta and introduce them for the same purpose. It is doubtful whether Government should take action against the hoarding of small change. In some cases there is deliberate hoarding. I have also heard of cases where a cooly who gets five one-rupee notes changes them at different shops and comes back home with a pile of small change. These cases make the small change question complicated but it is difficult for Government to take action.

I would, however, lay stress on two points, viz., publicity and co-ordination. I doubt myself whether a Committee will do much good. In order to get information, it will have to spend a great deal of time in going round to all the various districts, and I believe that Government have the machinery for getting all the information that is required ; I believe further that they can get information quicker than any Committee. But I do think that unless Government definitely say how they propose to take action—and action not of the *laissez faire* or wait-and-see type—this resolution should be pressed to a division."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I fully agree with the Hon'ble Mr. Irwin that an expert Committee should be appointed. In the mufassal I know great difficulties are being felt in changing one-rupee notes and somehow or other they have become very unpopular ; shopkeepers are not willing to accept them even in part payment of price of articles and sometimes these notes are to be changed from the *poddars* and other big shopkeepers who charge a discount of half an anna in the rupee. In Rajshahi I know that there is a great difficulty in changing notes. I do not think that there is any scarcity of copper coins, but that there are no proper arrangements or no proper facilities for the ordinary people to change these notes. We believe that such facilities could be afforded in the post-offices by deputing one or two persons and granting them some commission for changing these notes. In the sadar towns whenever necessary they can take the copper coins or small silver coins from the treasury and afford facilities to the ordinary people in changing it. The inclination to avoid the note comes from the fact that one is obliged to pay half an anna in the rupee whenever he wants to change it and poor people feel a great difficulty in paying this discount. The Hon'ble Kumar Shib Shekhareswar Ray tells me that in the mufassal a discount of one anna is being paid. It is for this reason that the one-rupee notes have become so unpopular. I do not agree with the previous speaker that a Government enquiry will do no good. My idea is that the reasons ought to be ascertained and it should be seen what facilities could be afforded for changing these notes. If there is no difficulty in the head-quarters, I believe there will be no difficulty in the mufassal towns. At least in *hâts* and big markets there may be big shopkeepers who have plenty of copper coins or silver coins, so that when one is under the necessity of changing one-rupee notes he should not pay any discount. Ordinarily in changing notes of higher value it is not at a discount but sometimes at a premium, that is the ordinary law of supply and demand. When one is under the necessity of procuring

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a note of higher value and such notes are not available, he has to pay some discount. But in the case of one-rupee notes it is different; there is no inclination on the part of the shopkeepers and ordinary suppliers to take these notes simply because they are not in a position to change them without difficulty. Consequeutly the poor people suffer a good deal when they have to pay a discount of half an anna or one anna in the rupee. I therefore think that an enquiry should be made into this matter, and I heartily support this resolution."

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, this is a matter about which there is very little difference of opinion between any of us as to the facts. We are all painfully conscious of what the facts are, and are fully aware of them; they are one of the unfortunate results that have arisen out of the war, and in dealing with these inconveniences of the war, I would ask the Council to remember that Government is not callously indifferent, but that nothing that any Government can do will entirely eliminate these hardships. The whole world is suffering, and I would remind the Council that the opinion is prevalent in many parts of the world, that India is suffering these hardships less than other countries. That, however. does not carry us much further by way of consolation, even although the cause of the hardship is self-evident. As has been admitted this afternoon, the discounting of notes is no new thing. It has always gone on to a certain extent, but it is probably more common than usual recently, owing to the shortage of silver, while it now touches the poorer classes owing to the issue of smaller denomination notes; that is to say, whereas richer people might perhaps pay a small discount on a Rs. 50 note without great demur, the poorer man is harder hit in paying discount on a note of one rupee. The only real remedy is to increase our outturn of silver coin; the shortage of silver is the cause of all this trouble, and until the facilities for the encashment of notes can be increased, I do not see how we can get rid of these hardships of discounting.

I think some of the speakers this afternoon have rather spoken as if Government had done absolutely nothing in the matter. This is scarcely correct. Turning to the root cause, the shortage of silver, this is an Imperial matter, and I think that any one telling Finance Department of the Government of India that they have done nothing towards meeting the difficulty of the shortage of silver, would be greeted with a sad smile. The Government of India have naturally been unable to publish on the housetops all the daily fluctuations of their currency difficulties; but they have issued *communiqués*, and they have made known what they have done to increase the stock of silver, culminating, as we know, in the recent negotiations with the American Government which have resulted in placing at their disposal very much larger stocks of silver. Therefore, in this and in other ways, they have been endeavouring to meet the main difficulty. We also have been trying to do our best. Here again, the movements of currency within the province are not exactly a provincial affair; they are controlled by the Accountant-General and the Controller of Currency. These two officers have had constantly before them in recent times the problem of how to finance the different district treasuries with silver for the encashment of notes. Mr. Gubbay, Controller of Currency, tells me that during the last few months he has sent no less than 50 lakhs of rupees to different treasuries for this purpose. He is fully conscious of the difficulties and is trying to meet them. Apart from that, Collectors have been issuing a number of notices thus seeking to meet the point, mentioned by the Hon'ble Mr. Hely Hutchison, of publicly explaining the facts. We too sent out a general warning at the beginning of August,

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in the hope of minimizing these evils by the publication of a Government announcement on the subject. I have here a vernacular notice which one Collector has issued regarding facilities for the encashment of dirty notes, and we know that in many districts a great deal has been done to endeavour to bring home to the people what the position is. I do not deny, as Mr. Hely Hutchison has pointed out, that we may be able to do more, and this is a point to which I will certainly be only too glad to pay more attention. In another district—Dacca—the District Officer has been trying to put more cash at the disposal of the post-offices in order to help people in a small way to cash notes and get rupees, and I have reports from other officers of Government who have been working on similar lines.

As regards what the Hon'ble Mr. Hely Hutchison mentioned as to the difference of practice in different districts, I think that his remarks are deserving of further enquiry. I know there has been a certain amount of difference of practice; for instance, in reports which I asked for in connection with this Resolution, one point is raised in which there seems to be a difference of opinion, as to whether, when the amount of cash available is limited, it is better to get it into circulation by giving it to the large employers of labour or purchasers of raw produce such as jute, or whether it is better to give it out in small amounts to the post-offices, just as the Collector of Dacca has been trying to do. The present Accountant-General holds that the latter is the better suggestion; the Collector of Mymensingh has been trying to give rupees to the bigger men to pass into circulation. Something may usefully be done to clear up differences of practice of this kind, by systematizing action more than is the case at present, and I will look into the point. But on receipt of this resolution I received reports from Mr. Gubbay and Mr. Tomkins, and I do not think the position is quite as bad as might have been gathered from some of the speeches this afternoon. Out of 26 districts it is said that notes are in circulation at par in 17. I do not pretend that in every bazar of these 17 districts everybody is getting full value for his notes and that no one is getting less than 16 annas, but I read the report as meaning that the difficulty is not acute in the majority of districts, and that is also borne out by other reports from Collectors, which show that the problem at the present moment is most difficult in the jute districts. I take it from the Hon'ble Mr. Irwin that the trouble is also acute in the tea districts. Collectors, however, say that the situation is improving, and we have direct evidence that if we can push out more silver it will improve much more. The real problem is how to get more silver. That being so, Sir, with every desire to find a remedy, I am doubtful whether the specific recommendation contained in the Resolution to appoint a small Committee of experts would serve any useful purpose. We know the facts; we know that discount is being charged on notes at rates much higher than before; we know that the ryots in many places do not like these small notes, and we know that there are certain features peculiar to this country which make the small paper note a somewhat unpopular medium of circulation; we know all this, but the question is how can we offer a remedy without going into the silver question which is outside our control. The currency problem is an Imperial concern, and if we go up to the Government of India, they will only say that we must take our share with the rest of the country. We know that special remedies have been adopted in special parts of the country; for instance, gold *mohurs* are in circulation in the Punjab, very few of which, as far as I know, have come down here, but the whole matter is an Imperial one to be regulated in the interests of the country as a whole. Therefore, Sir, I do not think we shall gain much by a Committee thought I am perfectly willing to have a Committee if the Council wishes it. It may be helpful in focussing the facts before those who control the currency problem, in the hope that they may see some way of giving us greater facilities than they do at present; but I fear that they will tell us that, in the main, the silver question is the root

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of the difficulty. and that while they are tackling that to the best of their ability and with regard to the whole of India they cannot promise to tackle it for us specially to an extent which will entirely remedy the difficulties from which we suffer. I, therefore, put it to the Council that the appointment of a Committee of enquiry will not add very much to the information which we now possess."

The Hon'ble SIR DEBA PRASAD SARBADHIKARI said :—

"My Lord, I do not know what course the Hon'ble Mr. Irwin will adopt after Sir Henry Wheeler's statement and whether a Committee of experts will be appointed or Government will move of its own motion. But I desire to draw the attention of the Council to the fact that it is not the one-rupee note alone that suffers in this way. The new two-and-a-half rupee note stands in exactly the same position and sometimes gives rise to greater difficulties, for the loss involved is greater. Although there is a slight difference in the appearance and the size, mistakes are often made by the poorer people who suffer more than the educated people. Therefore, whatever steps are taken with regard to the one-rupee notes, should also be taken in respect of the two-and-a-half rupee notes. We do not bring in the question of five and ten-rupee notes because they have been in use for a long time and people like the long suffering eel have got used to paying discount on them."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I desire to thank the Hon'ble Mr. Irwin for bringing up this matter before this Council. I may say this, that he has done a great service by bringing up this resolution which concerns a large mass of the poorer sections of the people, whose grievances have, from time to time, been expressed in the columns of newspapers and also in this Council. My Lord, I am not an expert and do not wish to traverse the grounds that have already been urged by other speakers, but there are one or two points which I wish to submit for the consideration of the Council. If an expert Committee be appointed. will the Government kindly consider the desirability of changing the character of the one-rupee note, of which the paper is so very thin that it wears out after changing half-a-dozen hands? What my friend Sir Sarbadhikari has said is that the poorer people cannot make out the difference between the one and two and-a-half-rupee notes, because the size is practically the same. There is not the same difficulty with regard to the five and ten-rupee notes, as the size is different. Furthermore, the poorer people do not often deal with larger sums than Rs. 10. It may be urged that the size of 50, 20 and 100 rupee notes is the same ; but the poorer people seldom handle these notes. The two-and-half and one-rupee notes are handled by them every day, and the size being the same the illiterate people are misled and further as these notes are not of good paper they are easily damaged and no one will take them. May I enquire, my Lord, whether some other coin, say, nickel coins, like the one-anna and two-anna pieces could not be substituted for the rupee note? We are now getting some nice brilliant two-anna nickel pieces which are not damaged or easily soiled. I submit that an expert Committee, although it may be precluded from taking up the larger question of currency, may perhaps go into this particular question and thus minimize the hardship which is felt by the poorer classes. This hardship is not only felt in the mufassal, but also in Calcutta.

Having regard to these facts, I think perhaps an expert Committee might help us in finding out some solution and in recommending some substantial quality of paper, if not the substitution of some suitable metal coin."

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The Hon'ble MR. IRWIN said : —

"My Lord, I do not quite gather from the Hon'ble Sir Henry Wheeler's speech whether he proposes to accept the resolution or not. I have no wish to press it upon the Government inasmuch as I have given them a loophole. I have recommended the appointment of a small expert Committee, or that Government should take such other steps as they think fit in order to minimize the hardship on the poorer classes. If the Hon'ble Sir Henry Wheeler can give us an assurance that Government will take such other steps that they may deem advisable, I am quite prepared to withdraw the resolution."

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, the attitude of Government in this matter is that we do not think ourselves that much good will result from enquiries by a special Committee, but if it is the general desire of the Council that a Committee should be appointed, we certainly do not wish to oppose it. Its members can certainly meet and discuss the matter, even though we are not sanguine of the results. As regards the facts, there is not very much difference of opinion, and if the Council wants a Committee, then so far as Government is concerned, it can have it. Apart from that, the only other measures that we can take is to press on District Officers the necessity for greater activity in popularising the circulation of notes and explaining the facts. We can suggest greater co-ordination in the practice of different districts, and we can go up to the Government of India and say : 'These are our difficulties ; can you give us any more silver, and can you tackle the currency problem in such a way as to afford further relief?' But I am perfectly willing to consider any other suggestions that can be made ; and if anyone can put forward any remedies, I will be glad to examine them."

The Hon'ble MR. IRWIN said :—

"My Lord, under the circumstances, after hearing what the Hon'ble Sir Henry Wheeler has said I would suggest that a small Committee may be appointed. It will have the effect of giving more publicity to the matter from which some benefit might accrue."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 8.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that Head Masters of Government schools in class VII and class VIII of the Provincial Educational Service be admitted to the benefit of a local allowance of Rs. 50 per month at an early date.

He said :—

"The resolution is meant to benefit Head Masters of Government High Schools in Provincial Educational Service and not the Head Masters of Training schools.

Evidently in view of the very heavy responsibility attached to the office of the Head Masters of High schools, Government in January 1915 sanctioned to them a 'duty allowance' of Rs. 50 a month ; but, for reason best known to the authorities, Head Masters in Provincial Educational Service have not been admitted to the benefit of the Government order.

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They are admittedly the ablest Head Masters in the Province, and for their proved efficiency they have been placed in charge of the biggest and most important schools in their respective divisions; they have been taken into the superior service and thus the maximum limit of their monthly salary has been raised from Rs. 150 to Rs. 700, but most of these officers having been promoted to Provincial Educational Service in the evening of their career they can hardly expect to rise above its 7th grade, before their retirement.

In respect of pay, class I of Subordinate Educational Service correspond to class VII of the Provincial Educational Service and class II of the former to class VIII of the latter; but in respect of promotion, the higher classes of Subordinate Educational Service consisting as they do of old officers, offer much greater advantages than the lower classes of Provincial Educational Service in which the officers are mostly very young. Thus a Provincial Educational Service officer placed at the bottom of class VIII will take much longer time to get promotion to class VII than one in Subordinate Educational Service from class II to I. Added to this is the 'duty allowance' which is also counted towards the pension. So that the Head Master who is taken into the Provincial Educational Service in his old age is a great loser in his retirement as much as in the last days of his service.

With a view to remove the injustice it is now recommended that all Head Masters of Government High schools in classes VII and VIII of the Provincial Educational Service be admitted at an early date to the benefit of the duty allowance of Rs. 50 a month like those in Subordinate Educational Service with effect either from the 1st January 1915 or from the date of their appointment to the Head Mastership, whichever is more just. I may add here that this does not refer to the Head Masters of Training schools who, as general Superintendents of the hostels attached to the institutions under their charge, gets a monthly allowance and free quarters; their exclusion from Government order granting a 'duty allowance' of Rs. 50 a month to each of the Head Masters of Government schools in Subordinate Educational Service does not, therefore, constitute any grievance; moreover at the time of their appointment to the Provincial Educational Service, they were allowed to supersede many officers.

With these words, I beg to move this Resolution for the consideration of Your Excellency's Council."

The Hon'ble MR. WORDSWORTH said :—

"My lord, the resolution and the Hon'ble Member's speech have drawn attention to an anomaly to which we have been fully alive and which we have been long endeavouring to remove. The Hon'ble Member has, however, disguised the main question by emphasising an incidental, and we hope temporary, feature of the case. If we have, in the same work two services, one higher and one lower, so adjusted that the maximum pay of the lower exceeds the minimum pay of the higher, if our policy is to choose from the lower for promotion to the higher men of experience and ability, and if the higher service offers steady opposition to recruitment to it otherwhere than in the lowest grade, then it is inevitable that there should occur from time to time anomalies. These anomalies are in the situation and they are quite independent of the allowances to which the Hon'ble Member has referred and for the grant of which to certain officers in the higher service he has pleaded. It may make the case clearer if I put my general statement into concrete facts. We have two classes of Government High schools—those attached to colleges and those independent schools at district headquarters. We have two services—the Provincial Service which for this case relates only to Head Masters in grades between Rs. 200—500 and the Subordinate Service in which the pay is Rs. 50—250. And it is the fact that

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schools attached to colleges have been regarded as more important and are supposed to confer a greater degree of prestige on their Head Masters than those independent Zilla Schools at district headquarters. That has been recognised in our organisation. Head Masters of Collegiate schools are placed in the Provincial Service. Head Masters of other Government High schools are placed in the Subordinate Service and therefore it has happened, not frequently, but occasionally, that a Zilla school Head Master who may perhaps be drawing the full pay of his grade, that is Rs. 250 has been appointed to the post of Head Master of a Collegiate school, and has had to commence in the last grade of Rs. 200. That is the situation which we have long deplored and we have long deplored the difference of esteem in which the Head Masters of these two classes of schools have been held. For more than ten years it has been the steady view of the Educational Department that this distinction in prestige should be removed by placing all Head Masters of Government High schools in the Provincial Educational Service. Steps to this end have been taken as part of the larger scheme for the betterment of the whole of secondary school education in this province and this scheme has been put forward and we have made some advance. Only recently we have received despatches from the Government of India and the Secretary of State which show that the case is receiving attention, although I cannot say that the end is in sight. Therefore three years ago when an opportunity was given us by an unexpected windfall from the Government of India, we decided to do something to show our appreciation of the work of the Zilla school Head Masters, as a temporary measure, by giving them a duty allowance. I should mention that promotion in the Subordinate Service is very largely governed by seniority, whereas selection for the post of Head Masters is governed by seniority as also other considerations. So it may happen and so it does happen that the Head Master of a Zilla school finds himself inferior in pay to some Assistant Masters. Pending an opportunity of recognising their superior position by a grant of superior status we secured the consent of the Government of India to a special duty allowance of Rs. 50 a month for Zilla School Head Masters. This allowance was granted in 1915 and is not only a recognition of the arduous duties of Head Masters, but it is also a compensation for the absence of higher status which we think should attach to the post of Zilla school Head Masters and which will so attach in the near future. We have secured this allowance for Zilla School Head Masters as a compensation for not being in the Provincial Service. There are hardly any difficulties and the present Resolution is scarcely one which the Government can accept in its present form. Difficulties have been rare. There have one or two occasions in which Head Masters found themselves in an awkward position. But I am proud to say that when an offer had been made to a master so situated of the alternative of higher status without an increase of pay or perhaps even on less pay in the Provincial Service or lower status with perhaps higher pay in the Subordinate Service, the choice was for the higher status. I am proud that this has been the case and I am proud to believe that this would be the case with the majority of men who are now serving us in the Zilla schools.

"I will ask the Hon'ble mover, on behalf of the Education Department, to accept the assurance that, although their special duty allowances are granted on the understanding that the Head Masters shall not put them forward as obstacles to transfer, deputation or other adminstrative conveniences, the Educational Department is not likely at any time to transfer a master to a post of greater prestige and equal or less pay except with his own consent. I can assure the Hon'ble mover also that if the offer is made, we shall certainly find that the Zilla school Head Masters concerned will gladly accept the higher responsibility and higher prestige. I trust, therefore, that the Hon'ble Member will not press his resolusion to a division."

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Rai M. C. Mitra Bahadur.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My lord, I have listened to the statement made by the Hon'ble Member. The point which I have raised before the Members of the Council is a very simple one. True it is that they have got a higher status ; but, as I put it, they are now in the evening of their lives, and therefore, although we are thankful to the Education Department for promoting them to the higher status, still it is a matter for Government to consider whether under the circumstances a few officers who are now old, and who have got promotion, cannot claim the consideration of Government for a duty allowance of Rs. 50 a month. Now, this is a simple issue which I have put before your Lordship's Council. The question is that they are very glad that they have got promotion from Rs. 250 to Rs. 700 ; they are old officers, they cannot enjoy a higher pay in life, and consequently it is a matter of deep consideration for Government to consider whether these few officers, seven or eight in number, are not entitled to claim for an increase even in the shape of a duty allowance or so of Rs. 50 a month.

I am, therefore, obliged to trouble the Members of the Council with the simple point which I have raised, and I trust the Council will consider the point."

A division was then taken with the following result :—

Ayes—17.	*Noes—18.*
The Hon'ble Sir Nilratan Sarkar, KT.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. Aminur Rahaman.	" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Babu Siv Narayan Mukharji.	" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Kumar Shib Shekhareswar Ray.	" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Sir Deba Prasad Sarbadhikari, KT., C.I.E.	" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Rai Debendra Chunder Ghosh Bahadur.	" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Rai Radha Charan Pal Bahadur.	" " Mr. L. S. S. O'Malley.
" " Dr. Abdulla-al-Mamun Suhrawardy.	" " Mr. F. A. A. Cowley.
" " Mr. M. Ashraf Ali Khan Chaudhuri.	" " Mr. H. P. Duval.
" " Khan Sahib Aman Ali.	" " Mr. W. C. Wordsworth.
" " Babu Bhabendra Chandra Ray.	" " Mr. C. F. Payne.
" " Mr. Altaf Ali.	" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Babu Akhil Chandra Datta.	" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Rai Mahendra Chandra Mitra Bahadur.	" " Mr. J. W. Hely Hutchison.
Babu Surendra Nath Ray.	" " Mr. W. E. Crum, O.B.E.
Mr. K. B. Dutt.	" " Mr. E. H. Eden.
Babu Kishori Mohan Chaudhuri.	" " Mr. H. R. A. Irwin, C.I.E.
	" " Mr. W. H. H. Arden-Wood, C.I.E.

The following member abstained from voting :—

The Hon'ble Mr. Provash Chunder Mitter.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
" " Mr. J. Donald, C.I.E.
" " Mr. C. H. Bompas, C.S.I.
" " The Nawab Bahadur of Murshidabad, K.C.S.I., K.C.V.O.
" " Mr. J. Mackenzie, O.B.E.

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The Hon'ble Raja Hrishikesh Laha, C.I.E.
,, ,, Babu Brojendra Kishor Ray Chaudhuri.
,, ,, Mr. Arun Chandra Singha.
,, ,, Mr. F. W. Carter, C.I.E., C.B.E.
,, ,, Maulvi Abul Kasem.
,, ,, Maulvi A. K. Fazl-ul-Haq.
,, ,, Rai Sri Nath Ray Bahadur.
,, ,, Babu Mahendra Nath Ray, C.I.E.
,, ,, Babu Ambika Charan Mazumdar.

The Ayes being 17 and the Noes 18, the motion was lost.

LIST OF BUSINESS—ITEM No. 9.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that, with a view to the proper working of the septic tank latrine installations, the Government do take into consideration the revision of "the Bengal Factories Rules, 1912," now in force in Bengal, in the following manner :—

(1) *add* to clause (*viii*) of rule 19(*1*) the following sub-clause—
"(*c*) it has been certified by the Inspector of Septic Tank Latrine Installations that the requirements referred to in sub-clauses (*a*) and (*b*) have been duly complied with"; and

(2) in rule 19(*2*), for the word "may", in the two places where it occurs, *substitute* the word "shall".

He said :—

"My Lord, according to the recent circular letter issued by the Sanitary Commissioner, Bengal, to the Chairman of all Riparian Municipalities, I understand that the water of the Bhagirathi now contains a very large amount of pollution derived from human excreta and it has now been rendered dangerous to use it for drinking purposes and also for cleansing dishes and plates or other vessels used for food, unless the water has first been filtered or boiled. Neglect of these precautions will expose persons to the risk of contracting cholera, typhoid fever, dysentery, diarrhœa and other water-borne diseases.

It is very painful for me to recollect the sad incident which took place in our town some years prior to the introduction of the filtered water-supply within the Hooghly-Chinsura Municipality. Let me bring to Your Excellency's notice that Mr. Bernard, I.C.S., our beloved Commissioner of the Burdwan Division, his amiable wife and sister-in-law, all suddenly died of cholera on account of the fact that the plates and dishes on which they took their meals were washed with the water of the Hooghly, contaminated with the poisonous bacilli !

Before entering at some length upon the subject-matter of my resolution, I would like to give you a very brief account of the circumstances under which a special Committee was appointed by the Government of Bengal in April, 1904, to examine the working of the septic tank installations in this province.

This was rendered necessary on account of the rapidly increasing number of septic tank latrines which have been erected, specially in connection with the jute mills on the Hooghly river, complaint having been made of the pollution of the river by the discharge of effluents from these tanks.

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Rai M. C. Mitra Bahadur.

Report of the Committee was published in December, 1904, wherein it is written in page 2 under paragraph 4 that "The Committee are not in a position to give a complete and final report."

A number of conclusions were put forward, some admittedly of a provisional character.

Speaking generally, it was believed that means could be found for improving the chemical composition of the effluent, but the danger arising from bacterial pollution would still remain. Suggestions were made that effluents should be used as feed-water for boilers, or carried well out into the mid-stream away from the banks, by suitable pipes.

On the requisition of Government, Dr. G. F. Fowler, D.SC., F.I.C., Consulting Chemist to the Manchester Corporation Rivers Committee, arrived in Calcutta on the 14th January, 1906, and he submitted a report on the septic tanks in Bengal and the purification of sewage, which was published in 1907. I quote the following lines from this printed report for the information of Your Excellency's Council :—

'Now, of all the pollutions that rivers are subjected to, by far the most serious is the addition of sewage, specially in a country like India, where unfiltered river water, taken very near the edge, is the drinking supply of thousands.

'The purest water in the Hooghly in every sense of the term is to be found in the middle of the stream; this water is very pure and shows very little contamination of a dangerous character.

'There is a zone of pollution extending along both banks due to matter put into the river.

'This pollution is largely represented by great increase in the group of bacilli that may be called fæcal in origin, and therefore it is a serious contamination.

'The septic tank effluent is largely responsible for this pollution.

'As the number of septic tanks are on the increase, the amount of pollution will also increase.'

Let me quote the following lines from the valuable book, 'A Manual of the Principles of Sewage Treatment' by Professor Dunbar, Director of the Institute of State Hygiene, Hamburg, which has been translated into English by Dr. H. T. Calvert, M.SC., PH. D., F.I.C., Chief Chemical Assistant, West Riding of Yorkshire :—

'The tank effluents are always putrescent and give rise to foul smells by the escape of gases when they are agitated.'

Again, 'the biological treatment is usually more difficult with septic tank effluent than with fresh sewage.'

'At Hamburg contact beds would be filled six times a day with fresh sewage without yielding an unsatisfactory effluent, whereas they would only take septic sewage twice a day.'

Mr. G. B. Kershaw, who was for more than twelve years Engineer to the Royal Commission on sewage disposal, in his famous work on 'Modern methods of sewage purification' has stated that 'the recent typhoid epidemic at Lincoln arising from a polluted water-supply shows that, even in case of large towns, one weak spot in an apparently satisfactory system may be the direct cause of considerable loss of life and great expense. It is unfortunately the case that the incidence of disease is most marked in the poorer districts of a community, where the inhabitants are least able to resist it.'

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Babu Siv Narayan Mukharji.

'Life' is called in Bengali language 'Jibon' and 'Jibon' also means 'Water.' In a tropical province like Bengal, pure water is a most valuable asset to one's life and Your Excellency is aware of this lamentable fact that many millions of the people on both sides of the Hooghly river are without a filtered water-supply and consequently they are obliged to draw their supply of drinking water from the sacred Bhagirathi.

It is laid down under the Bengal Factories Rules of 1912 that 'the effluent from a septic tank latrine installations shall not be discharged into any river unless—

(*a*) it is clear, free from fæcal odour and non-putrescible, and nitrification has definitely commenced. and

(*b*) it has been sterilized by the addition to each gallon of five grains of fresh chlorinated lime.'

It does not require additional arguments to adduce that some sort of precaution has become urgently necessary, having regard to the present dangerously contaminated condition of the water of the Hooghly, whether, as a matter of practice, the requirements under the Factories Rules referred to above are strictly observed. Therefore I move this Resolution for the kind consideration of Your Excellency's Council."

The Hon'ble BABU SIV NARAYAN MUKHARJI said :—

" My Lord, I hold in my hand two copies of the results of chemical and bacteriological examination of unfiltered water of the Ganges recently supplied to the various Municipalities. Bearing, as they do, the signature of the Sanitary Commissioner of Bengal. these reports assume a character the correctness of which it is impossible to call in question. What we find in them is that the water tested was found to 'contain countless bacteria in ·1 c.c., and showed non-resistant type fæcal bacilli in ·01 c.c.. indicating that it contained such a large amount of fæcal pollution, probably derived from human excreta, as to render it dangerous to use it for drinking purposes, unless it has first been filtered or boiled.' 'Neglect of these precautions.' continues the report, 'will expose persons to the risk of contracting cholera, typhoid fever, dysentery, diarrhœa and other water-borne diseases.' and conclude with the following warning : 'In every case the attention of the whole population should be called, if necessary by beat of drum, to the present dangerously contaminated condition of the river water.'

It would, I feel sure, be no revelation to the Hon'ble Members if, with Your Lordship's permission, I were to make the assertion that the Ganges adds to its character of usefulness a degree of sanctity in the estimation of the Hindus not unlike that of the Tiber and of the Nile in the pristine days of Rome and Egypt. It supplies drinking water to the inhabitants of all riparian towns and villages. For all culinary and other household purposes its water is generally used not only by people living on its banks, but by men from the interior, who, after immersion in it on auspicious days and festive occasions, carry its water home for purposes of worshipping their household deities. The feeling of gratefulness in the Hindus has at all times found expression in their readiness to deify propitious and ministrant forces of Nature. It is to this spirit that the apotheosis of the Ganges is to be attributed. 'To the simple,' writes Sister Nivedita, 'the Ganges is completely mother! Does she not give life and food? To the pious she is the bestower of purity and as each bather steps into her flood he stoops tenderly to place a little of the water on his head, craving pardon with words of salutation for the touch of his foot.' 'The incomparable Ganges!' exclaims Oscar Browning, 'worthy of all the

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Sir Nilratan Sarkar.

worship which has been paid to it'. In a truly poetic vein he adds: He who has once been conquered by the fascination of its waters will not cease to yearn for them so long as he lives.' I am afraid I shall be repeating a truism when I say that the old law-givers of India were not blind to the part played by water in the human economy, nor to the necessity of preserving its purity. We find in the Institutes of Vishnu the broad general injunction: 'A man must not throw any impure substance into water.'

'Rivers,' according to Dr. Parke, 'are capable of a certain amount of self-purification by natural means.' 'River waters,' writes Sir Pardey Lukis, 'are constantly liable to pollution by men and animals. If it were not for the beneficent purifying work of oxygen, rivers in this country would soon become little more than open sewers.' But a vast sewer the river has become by the discharge into it of the effluents from the septic tanks of about 40 mills in this part of Bengal alone, each mill employing three to four thousand workmen and coolies. We can never believe that the pollution of this sacred river can ever be regarded with equanimity by any Indian, far less by any Hindu gentleman, even if expert opinion had gone to show that the septic tank effluents were chemically pure and bacteriologically innocuous.

Looking back to the genesis of the septic tank movement in this Province we find that at the instance of the Sanitary Board a Committee was appointed in April, 1904, to report on the working of the then existing septic tank installations in the Bengal mills, and on the 'means which should be adopted to render the system efficient and free from objection.' The resolution further directed: 'If discharges into the river is permitted the Committee should report the conditions which they consider necessary in order that this may be done without detriment to the public health.' Now, Sir, the discharge into the river was permitted with the result that, in spite of widespread opposition at the time, mostly on religious, yclept sentimental grounds, and in spite of the apprehension entertained about the effluents from septic tanks proving dangerous for want of proper precautionary measures and sufficient safeguards, the abuse has been allowed to continue for nearly a decade and half till it has reached alarming proportions. I fully understand that this is a strong indictment against septic tank installations; but it is for this Council to determine whether it is well-merited or not. I do not know which of the three systems of septic tank installation mentioned in Messrs. Notter and Firth's excellent treatise on Hygiene is in vogue in the several mills in this Province, but the fact remains that the filtrates or effluents from the several tanks have become highly objectionable from a hygienic and sanitary point of view. In England the Rivers Pollution Acts of 1876 and 1890 prohibit the pollution of any stream or river by allowing crude sewage to flow into it. Here in India, though the system of septic installations has been introduced to prevent pollution, doubts are entertained as to whether complete care is taken to go the whole hog so far as the processes connected with the chemical treatment of sewage are concerned. I have under the circumstances no hesitation in appealing to the benevolent sympathy of Your Lordship's Government, and trust that the revision of the Bengal Factories Rules, 1912, as recommended, will be effected. I have under the circumstances great pleasure in supporting the motion of the Hon'ble Rai M. C. Mitra Bahadur."

The Hon'ble SIR NILRATAN SARKAR said:—

"My Lord, the resolution moved by my Hon'ble friend involves two important questions of sanitation: *first*, the question of the disposal of the sewage, and *second*, the question of river pollution.

As regards the question of the disposal of sewage by what is called the anaerobic method, most of the authorities are agreed that if that method is followed with proper precautions, sewage might be considerably purified.

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But the method consists of a series of chemical, mechanical and biological processes, each of which requires the constant attention of some competent assistants. Dr. Fowler, who, as we all know, is an expert in these matters, in a paper which he read before the International Congress of Hygiene and Demography in Berlin in 1909, insisted upon three important conditions, amongst others, for the attainment of successful results : *first*, a particular temperature ; *second*, a particular quantity of water ; and *third*, an efficient condition of the mechanical arrangements. He said also, in connection with temperature, that whereas in the tropics there are in the temperature certain favourable conditions for the early purification of the offensive substances, there is also some source of danger in the high temperature prevailing there ; and as regards water, he insisted upon a minimum quantity of five gallons per head of the users. Then, as regards the effluent, he advocated, as he indicated by experiments, subsequent percolation and filtration ; and he said that after four repeatitions of the filtration process of the same liquid, he could reduce the objectionable bacilli from one million to 449 colonies. This shows that even after very careful filtration, they are not altogether removed from the effluent. Then he had to fall back upon chemical antisceptics and he advocated hypochlorites. At that time, he was not whole-hearted in his support as regards the addition of these chemicals for this particular object ; he suggested in fact that every effort should be made to produce an effluent by ordinary filtration processes of the highest possible purity. It would be unsafe to assume in the absence of the exact knowledge that the complex effluent imperfectly oxidised by natural agencies could be rendered harmless by the action of hypochlorites. Then he says that the admission of hypochlorite of lime might also have injurious effects on the microscopic or plankton life of the river, the results of which are not easy to foresee.

He insists upon the effluents being produced in properly constructed and properly managed installations, and further their being treated for a period of two hours in an isolation tank before admission to a stream.

His conclusion was :—" Where there is danger of bacterial pollution at the outfall, it is advisable where possible to utilise the effluent for flushing latrines. When the procedure is impossible sterilisation by hypochlorites can be accomplished and if certain precautions are taken no difficulties need arise at the outfall on this account.

It will be admitted that a complicated plant like what is described by Dr. Fowler is likely to go wrong at least in some parts in the course of time ; and it requires constant care and attention to keep it in efficient order. Further, nothing like the *laborator* precision observed by Dr. Fowler could be expected in a big plant installed anywhere.

Now, as regards my second point, viz., that of river pollution, I may be permitted to state that after careful observations I found that the river water is highly polluted particularly in the portion of the river lying between Hooghly and Barrackpur, from which different samples of water were taken and examined bacteriologically during the last fortnight. The examinations showed a very bad state of pollution. In some samples, we could find five hundred colonies of bacilli growing in the course of the 24 hours. There were two of the worst kinds that produce disease. The observations were confined to the particular area, I mean the area extending from Hooghly on one side to Palta on the other. I am perfectly convinced that the water there is unsuitable for drinking purposes, in fact it is dangerous.

As regards the sources of this pollution, there must be many. There was an enquiry held regarding the matter in 1909. I have carefully read Major (now Lieutenant-Colonel) Clemesha's report. I quite agree with him when

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he attaches the blame to some of the *khals* and *creeks* carrying sullage from the interior into the river. I agree also as regards the pollution caused by the boatmen and the brickfield coolies. I do not, however, see how he forgot to say anything. good, bad or indifferent, as regards about eighty septic installations on both sides of the river at that time. Be that as it may, I do not myself say that the septic tanks in the mills are solely responsible for the miserable state of the river at the present time, as there are many other sources of infection. But, at the same time, I believe that it is time that a thorough enquiry should be held into the state of things in this country; and in the meantime, to be on the safe side, where the margin of safety is so slender, I should certainly pray that the effluents of the septic tanks in the mills should be deviated away from the river and used for other purposes. There are various purposes for which this effluent could be utilised. I might mention some of them; at least when the water looks quite pure, it may be safely used for feeding the boilers. I know, of course, the coolies in the mills would object to this; but if the effluent be first allowed to flow into something like a big basin or tank and then it is pumped from the other side of the tank, I think the objection would disappear. Then, it may also be used for irrigation; I admit, however, that this is only possible for eight months in the year. Then again when sufficiently oxidised the effluent need not be very offensive and if it is collected in big tanks, it may form a very good pond for fish culture. That is the biological method adopted in many parts of the world for the disposal of sewage. On a small scale it prevailed in old towns like Dacca, where there were cess-pools in which there were always some big fish growing.

Then drainage of the riparian area is one of the most important questions that will confront us within a short time.

As regards the tank scheme, it may appear rather strange, but it has been carefully calculated that a tank one acre in area would be sufficient for the sewage of a population of six hundred persons; and if such sewage has been previously subjected to a liquifying process in anaerobic tanks, one such tank should suffice for the sewage of ten times this population. However, these are questions which are to be decided by experts and I can only suggest. The question of river pollution is becoming a very urgent question, and it is my prayer that a Commission be appointed to investigate into the whole thing. I am as much interested in the industrial development of the land as in the public health of the Province; I believe that industrial development and public health must co-operate with one another for the good of the Province, and ultimately for the good of humanity. None of these can be neglected; factories will multiply in the near future. It will not do to say that we do not want to accommodate the factories in the interests of the public health; on the other hand difficult problems of sanitation in connection with factories must be solved, without neglecting important sanitary questions."

[At this stage the Hon'ble Member had to conclude his remarks. he having reached the time-limit.]

The Hon'ble MAHARAJADHIRAJA BAHADUR of Burdwan said :—

" My Lord, at this hour of the day, it is not my intention to detain the Council for very long. But I shall make some general observations on some of the points raised by the speakers at the end of my speech. I should, however, at the very outset say that Government are ready to accept the second amendment proposed by the Hon'ble Member. It is already the duty of the Septic Tank Inspector to inspect septic tanks and latrine installations, and there can be no objection whatever in changing the rule so as to make it clear that this is one of his prescribed duties.

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As regards the first amendment, I am inclined to think that the Hon'ble Mover has perhaps not fully understood the object and scope of the rule, which he has just read out. This rule simply lays down the condition which must be fulfilled and the breach of which renders the occupier and manager of the mill liable to prosecution and punishment. There is no need whatever for the certificate that those conditions are being fulfilled. If the Inspector finds at the time of his inspection that the rule is being observed and that the effluent is clear, odourless and properly sterilized, there is no need for further action. If, on the other hand, he finds that the rule is not being observed, he makes a report and administrative action is then taken. For instance, notices are issued to the mills ordering them to make proper arrangements for the purity of effluent, or the Magistrate is directed to give a warning, or if the mill authorities do not take that warning, a prosecution may be instituted. It will make no difference if the Inspector is required to give a certificate to the effect that the effluent is clear, free from odour and sterilised by chlorination. Such a certificate would not only be superfluous, but might even be positively mischievous, for the mill manager having his certificate might become careless and not see that the effluent is regularly purified. Again, such a certificate might not have a continuing effect. It would only refer to the state of things as the Inspector found them at the time of his visit. It would be no guarantee that the effluent was properly sterilised after his visit. Government, therefore, while sympathising with the object of the Hon'ble Mover, which is to secure the purification of effluent, do not consider the amendment necessary. Government are anxious that there should be no pollution from septic tanks, and while the matter is receiving the close attention of Government they fail to see how the amendment proposed can serve any useful purpose, and on this account they are unable to accept this part of the motion.

Now I wish to turn to certain points raised by the Hon'ble Mover of the resolution as well as subsequent speakers. The Hon'ble Mover very justly points out the present state of the river Bhagirathi near the place where he hails from. On the other hand, in moving this resolution, he has laid more stress on the fact that the present condition of the river water is largely, if not mainly, due to the pollution caused by the septic tanks. Now, my lord, that is not the fact. In reply to an unstarred question by the Hon'ble Siv Narayan Mukharji at this very meeting in which he asked whether such contamination is due mainly, if not largely, to the discharge from the septic installations in the several jute mills on both banks of the river, Government has replied that so far as they are aware they are advised that this is not so. We all know that all along the river banks from Hooghly down to Serampore, there are unfortunately epidemics of cholera. But I would have been a little more cautious if I had been the Chairman of the Hooghly-Chinsura Municipality in making this accusation, in view of the fact that it has already been brought to the notice of the Government that the Hooghly-Chinsura Municipality, possessing, as it does, a water-works, was unable to work it or worked it in such a way that for the neglect of that alone there was an epidemic of cholera in Hooghly-Chinsura.

My lord, the Hon'ble Sir Nilratan Sarkar has pointed out in his able speech—to which I shall make some reference later on—that the river water is unsuitable for various reasons. The sources of pollution are many—sullage coming through *khals* and creeks; due to boatmen, due to coolies working on the brickfields—and all these combine to make the present state of the water of the Bhagirathi undesirable as it is to be found between Barrackpore and Hooghly.

Another thing, Sir, has been mentioned by the Hon'ble Babu Siv Narayan Mukharji. I am sorry, however, my Lord, that I could not follow his speech thoroughly. Evidently the circular which was recently issued by the Sanitary Commissioner of Bengal, warning the people living on the banks of the

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Rai R. C. Pal Bahadur.

Bhagirathi, not to use this dangerously contaminated water, has led to a certain amount of misunderstanding and misapprehension. As I have already said, Government as at present advised do not think that any serious, or, in fact, any contamination is due, to any extent, to the discharge from the septic tanks. That being so, I think the Sanitary Commissioner of Bengal was perfectly justified in issuing a circular to these rural municipalities, especially those near the riverside, to warn people against the dangerous condition of the water. It is possible that the language used by him might have been misunderstood by some people, and that the condition of the river having been notified to the people by beat of drums might have caused some unnecessary excitement. Be that, however, as it may, the main point is that while I have already agreed, on behalf of Government, to accept the second part of this motion, I have explained why Government are unable to accept the first part of the motion, and I think it my duty to disabuse the minds of those Hon'ble Members who have spoken on the subject as well as the other members of Your Excellency's Council of the fact that the contamination of the Bhagirathi, although it does exist, is due to other reasons than the septic tanks. We are in a position to say that in certain cases there may have been leakages owing to certain septic tanks not having been properly worked; but it is no doubt that the present condition of the river is due to several causes combined, and not to the septic tanks, as is the general idea that some of the members have got in their minds.

I shall now turn to some of the points raised by the Hon'ble Sir Nilratan Sarkar. I do not propose to discuss at any length the question he has raised about the Commission or Committee; on the suggestion he has made of utilising the effluent for feeding boilers or for purposes of irrigation or for making fish culture out of the septic effluent. This is a matter which will no doubt receive the attention of Government in due time; but as it is beyond the scope of this resolution, I shall dismiss it for the moment. There is no doubt that the Hon'ble Sir Nilratan Sarkar can do a great deal with effluents; but at present we have got to keep the septic tanks that we have in proper order; and I may assure the Council that the matter is receiving the closest attention of Government. I hope, therefore, that the Hon'ble Mover of this resolution will accept the proposal made by the Government on the subject."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My lord, I have listened with great interest to the instructive speech of the Hon'ble Sir Nilratan Sarkar. I find that he has discoursed at length on the subject of river pollution and I believe that my friend—I may be permitted to suggest—will some day bring up a resolution particularly with reference to this matter so that we might press the necessity for the appointment of a Committee.

With reference to this resolution itself, what I find is this, that the Hon'ble Member in charge seems to be disinclined to accept the first part of the resolution. When I came to this Council, I had not a copy of the Factory Rules with me, but I have now got a copy, and I do not know what possible objection there can be to accepting the first part of this resolution. There is a rule, viz., 19 (3) which enjoins that the effluent from a septic tank or latrine shall not be discharged into the river unless certain processes which are given there are gone through. My Hon'ble friend has suggested that there should be an Inspector who shall personally see that it is properly treated before it is discharged into the river. It may be suggested that the mill authorities will look to that, but with regard to that, my lord, I may state that we have got municipal rules in Calcutta which require the owners or occupiers of houses to do certain things and the authorities do not always rely on the assurance of the owners or occupiers on the present case, also I do not think that we should rest content with mill owners' assurances."

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Maharajadhiraja Bahadur of Burdwan; Rai R. C. Pal Bahadur; Rai M. C. Mitra Bahadur.

The MAHARAJADHIRAJA BAHADUR OF BURDWAN (interrupting) said :—

"My lord, there are Inspectors who inspect septic tanks."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My lord, I know that there are Inspectors, but the object of this amendment is that on every occasion before the contents are discharged into the river, the Inspector should see that they have been properly treated. My lord, it may entail some additional cost, but it will not press very heavily on the rich jute mill owners on both sides of the river. I do not see, therefore, what is the harm in adopting this suggestion. When Government has framed its rule, all we want, on behalf of our community, is that it this process is regularly gone through before the effluent is discharged into the river. Government should not leave it entirely to the mill assistants with casual inspections by the Inspector. Your Lordship is perhaps well aware that there is a large volume of public feeling against the installation of septic tanks and the discharge of their effluent to the river. It is an old old cry; and there is a strong public feeling that many of the diseases, specially the epidemics such as cholera, dysentery, etc., and other waterborne diseases, are due, I do not say mainly but to a large extent, to the discharge from the septic tanks. I know, my lord, that one of the *ex*-Members of the Executive Council of this Presidency, viz., Raja Kisori Lal Gossain, from his place in the British Indian Association urged upon the attention of Government the necessity of closer attention to this matter, if not the closing or at least the diversion of the contents of septic tanks to the fields. The grievances of the people have been pressed on many occasions on the attention of Government. I hope at least the Maharajadhiraja Bahadur of Burdwan, who, although now annexed to the Government, belongs primarily to us, will take the matter into his consideration and will induce the Government to remove this danger to the people by instituting proper control over the septic tank installation until some measure is devised to divert the contents as suggested by the Hon'ble Sir Nilratan Sarkar."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My lord, in moving this resolution I have come forward to represent the grievances of those people who live on the two sides of the river. These are not imaginary grievances which I have put before the Council. Every morning or every evening when people go to bathe in the river they feel this difficulty. These considerations led me to come to Your Excellency's Council and to represent the grievances of the people by submitting a resolution. The resolution is, as I have said, a very modest one. You have Inspectors of Septic Tank Installations. The Inspector is required under the rules to submit a certificate, but then his certificate is simply to the effect—I recently inspected the factory noted above. He goes occasionally, inspects the factories and mills, and submits a report. I wish, my lord, that that certificate should be given before the actual nuisance is committed. I expected that the Government Member in charge, the Hon'ble Maharajadhiraja Bahadur of Burdwan, would sympathise with me and allow this, a very modest resolution, to be passed.

Now, so far as the merits of the resolution go, it appears that the resolution only says that an Inspector should carefully see that the requirements of that section, viz., section 19, are complied with and nothing more. It is the duty of the Inspector to do it, and I press upon the consideration of the Government Member in charge, the Hon'ble Maharajadhiraja Bahadur of Burdwan, to consider whether these duties should not be performed in the way suggested in my resolution. It is for these reasons that I moved this resolution. There you have the Inspector and you require him to submit a report. Why not do it in such a way that there will be greater control over the working of the septic tanks? Of course, we understand,

Resolutions.

The President; Rai M. C. Mitra Bahadur; Maharajadhiraja Bahadur of Burdwan.

my lord, that the Mill Manager or Superintendent inspects the work; but my view was—and I still retain it—that the Government Inspector should actually see that the work was properly done. According to the suggestions made in my resolution, there will be some control over the pollution of the river water. Larger questions have been discussed in the Council, and I am sorry to find that the Chairman of the Hooghly-Chinsura Municipality has been rebuked for the neglect of his work. I do admit, my lord, that there has been neglect on the part of the Chairman of the Hooghly-Chinsura Municipality; but in moving this resolution I never expected a review of the work of the Chairman from the Hon'ble Member in charge, because before the water-works were introduced in Hooghly there was an outbreak of cholera. Since the introduction of water-works, I submit, there have been no such epidemics."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN (interrupting) said :—

"That is not a fact. What I said was that even after the introduction of the water-works, owing to the stoppage of water-supply due to some defects in the water-works, cholera broke out."

The PRESIDENT said :—

"The Hon'ble Member will have an opportunity of replying later on."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR (continuing) said :—

"My lord, I will not deal with this question. The Hon'ble Member will perhaps excuse me for referring to the observations which he made. But whatever it may be, that is the resolution I have submitted before the Council.

As regards the second part of the resolution, I am thankful, my lord, to the Hon'ble Member in charge for his kindly allowing this part to be accepted because it will be of some help. The resolution suggests that the inspection should be made as a matter of course and not as a matter of option. I do not like to waste the time of the Council by discussing further on the merits or to go back upon the remarks which have been made by the Hon'ble Member in charge, and I only pray that this Council will consider the first part of my resolution."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

My lord, I am not quite clear whether the Hon'ble Member wishes to press his resolution. As I have stated, the Government are quite willing to accept the second portion of his resolution, but I should like to make a few observations. I have already said that the attention of Government has been drawn to these septic-tank installations; that the Government are going to give their closest attention to this matter, and that the reason why Government do not wish to accept the first portion is because they think it to be superfluous and that by the acceptance of the wording it might easily be possible for some of the mill-owners to evade the very thing which the Hon'ble Member wished to be rectified.

Now, as regards the rebuke that I am guilty of having given to the Hon'ble Mover, I think that I was justified for the simple reason that the Hon'ble Mover was not only trying to point out to this Council that cholera and other epidemics which unfortunately prevailed in Hooghly and the adjoining places were mainly and solely due to the construction of the septic tanks, but what is more, he wanted to prove that cholera broke out in Hooghly before the water-works came to be installed there; whereas, as a matter of fact, Government have got authoritative opinion that for the water-works not having been properly worked by the Municipality, of which the Hon'ble Member happens to be the Chairman, the Municipality was really responsible for an outbreak of cholera. I think, therefore, that I was perfectly justified, on behalf of Government, in mentioning that matter to the Hon'ble

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Mover in my speech. Government are quite willing to accept the second portion, as I have already stated."

The PRESIDENT said :—

"The Hon'ble Maharajadhiraja Bahadur of Burdwan has explained that Government are quite prepared to act upon the second of the two amendments proposed in his resolution. They are not, however, prepared to act upon the first of the two amendments Two courses are, therefore, open to the Hon'ble Mover—either to withdraw his resolution or else to press his resolution to a division."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"May I be allowed to put the two parts of the resolution separately? If the Government does not accept the second portion, because I press for the first portion, I shall have no other alternative but to withdraw the resolution."

The PRESIDENT said :—

"As I have already mentioned the Government are prepared to act upon the second part and that has been clearly stated. With regard to the first part of the resolution, Government are not prepared to act upon it and I understand that the Hon'ble Mover desires a division to be taken upon it.

I would put it more clearly. If the Hon'ble Mover wishes to take a vote upon the first portion, it will not alter the decision of Government. The Government are prepared to act upon the second part. The only effect, so far as the Government are concerned, of the division will be to decide whether the Council as a whole or a majority of the Council are in favour of acting upon the first portion."

A division was then taken with the following result :—

Ayes—16.

The Hon'ble Sir Nilratan Sarkar.
" " Mr. Aminur Rahman.
" " Mr. Provash Chunder Mitter.
" " Babu Shib Narayan Mukharji.
" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Khan Sahib Aman Ali.
" " Mr. Altaf Ali.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " Mr. K. B. Dutt.
" " Babu Ambika Charan Mazumdar.

Noes—18.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. L. S. S. O'Malley.
" " Mr. F. A. A. Cowley.
" " Mr. H. P. Duval.
" " Mr. W. C. Wordsworth.
" " Mr. C. F. Payne.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Sir Rajendra Nath Mukherji, K.C.I.E.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. J. W. Hely Hutchinson.
" " Mr. W. E. Crum, C.B.E.
" " Mr. E. B. Eden.
" " Mr. H. R. A. Irwin, C.I.E.

Adjournment.

The following members were absent :—

The Hon'ble Mr. T. C. P. Gibbons, K.C.
,, ,, Mr. J. Donald, C.I.E.
,, ,, Mr. C. H. Bompas, C.S.I.
,, ,, the Nawab Bahadur of Murshidabad, K.C.S.I., K.C.V.O.
,, ,, Mr. J. Mackenzie, O.B.E.
,, ,, Raja Hrishikesh Laha, C.I.E.
,, ,, Kumar Shib Shekhareswar Ray.
,, ,, Babu Brojendra Kishor Ray Chaudhuri.
,, ,, Mr. Arun Chandra Singha.
,, ,, Mr. F. W. Carter, C.I.E., C.B.E.
,, ,, Maulvi Abul Kasem.
,, ,, Maulvi A. K. Fazl-ul-Haq.
,, ,, Babu Bhabendra Chandra Ray.
,, ,, Rai Sri Nath Ray Bahadur.
,, ,, Babu Mahendra Nath Ray, C.I.E.
,, ,, Babu Ambika Charan Mazumdar.

The Ayes being 16 and the Noes 18 the motion was lost.

ADJOURNMENT.

The Council was then adjourned *sine die.*

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA ;
The 23rd September, 1918.

APPENDIX A.

(Referred to in the Answer to Question No. XXXIX.)

Conference of Presidents of Panchayats and Chairmen of Union Committees.

Dacca, 28th July, 1917.

REPORT OF PROCEEDINGS.

The Conference was convened at the request of many Presidents of Panchayats and Chairmen of Union Committees with the object of discussing various important matters relating to their work. All the Presidents and Chairmen of Dacca District were invited and also such members of Panchayats and Union Committees as expressed a special wish to attend. The Government officers present included the Subdivisional officers and Circle officers of the district, the Director and other officers of the Agricultural Department, and the Deputy Inspector-General and several other Police officers. His Excellency the Governor of Bengal, the Hon'ble Mr. Beatson Bell and Sir Henry Wheeler, Members of the Executive Council, Mr. L. Birley, C.I.E., and Mr. L. S. S. O'Malley, I.C.S., were also present during a part of the proceedings. The total number of persons present is estimated at over 800.

The proceedings were held in a large open godown at the farm-steading of the Government Farm at Manipur, Dacca. Before the ordinary business commenced the Panchayats had been met outside the Farm by the Director and other officers of the Agricultural Department, who conducted them round the Farm explaining the nature and objects of the work in progress.

The Conference opened with a brief speech by the Chairman welcoming the Presidents and thanking them for their invaluable help in the administration of the district. The Chairman also pointed out that time was limited and requested the speakers to be brief, to keep strictly to the point and to base their remarks on their own actual experience.

1. The first resolution was proposed by Babu Lal Mohan Bhattacharjya, President Panchayat and Chairman, Hasara Union, and run thus :—

"It should be permissible for a Union Committee to grant, once a year, a bonus to a dafadar or chaukidar who has rendered specially useful service in connection with Union Committee work. The amount of such bonus should be not less than Rs. 12 and not more than Rs. 30."

The mover said that from his experience of last year's work he found the help of the chaukidars very useful for the supervision of the Union Committee roads and reserved tanks, for the service of notices of meetings and notices of sales of pounds and in many other ways. The formation of Union Committees has increased the work of the chaukidars without giving a corresponding increase in their pay. Chaukidars should therefore get an increment of pay; but this cannot be given from Chaukidari funds. It would, therefore, be a stimulus to Union Committees if they were authorised to grant a bonus to chaukidars who have done useful work for the Committees.

Babu Hara Lal Saha, President Panchayat of Amta Union, supported the resolution but suggested that the fines realised from chaukidars should be utilised for the purpose of rewarding them for their service to Union Committees.

Babu Aswini Kumar Chaudhury, President Panchayat of Harirampur Union, and Rai Saheb Pramatha Nath Ghose, President Panchayat of Jaslong Union, agreed with the President Panchayat of Amta.

Mr. D. M. Sen pointed out that there was some misapprehension in the amendment proposed by the President Panchayat of Amta. He remarked that the Union Committee fund was quite separate from the Chaukidari Reward Fund, which is maintained from the fines of chaukidars.

The general feeling was in favour of the resolution as drafted.

2. The second resolution was proposed by Babu Debendra Kumar Bose, President Panchayat and Chairman of Union Committee at Dhipur, and was as follows :—

"That when necessary a clerk should be appointed to assist the Chairman in the work of the Union Committee and the President in the work of the Panchayat; that the pay of the clerk should not exceed Rs. 10 per month and should be met from (1) any grant given by Government for that purpose, (2) the funds of the Union Committee."

The mover began by saying that the double functions of Chairman and President have increased the clerical work in a Union. The Chairman is required to correspond

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frequently with the District Board, to regulate the office work of the Union Committee according to the Circulars and orders received from the D. B., to check accounts, etc., while as President he has to regularly keep notes of processes served, to report the result of local enquiries under section 202, Criminal Procedure Code, to compile jute forecasts, etc. All this work certainly makes a clerk necessary. He proposed that in all Unions where Union Committees have been established one-third of the clerk's pay should be met from Union Committee funds and the balance should be provided by Government and that in those Unions where there are no Union Committees the whole may be met by Government. The resolution was supported by Babu Prakash Chandra Gupta, Member of the Jinardi Union Committee.

Rai P. M. Basu Bahadur, President Panchayat and Chairman of Betka Union, suggested that the pay of the clerk should be at least Rs. 20, which would enable a really good man to be engaged and his services should be utilised as Tehsil Panchayat. He added that a bad or inferior man would be only a source of trouble to the Chairman.

Rai Sahib Pramatha Nath Ghose suggested Rs. 15 as the pay of the post and objected to the transfer of the work to the Tehsil Panchayat and to the abolition of the post of Tehsil Panchayat.

Babu Jogesh Chandra Sen supported Rai P. M. Basu Bahadur's proposal but suggested Rs. 15 as the pay of the post.

Babu Man Mohan Chakravarty, President Panchayat of Bahar, objected to the Tehsil Panchayat being paid a fixed salary instead of commission.

Babu Nishi Kanta Mukherji remarked that Rs. 10 to Rs. 15 ought to be sufficient as men are available in villages on this pay, *e.g.*, Postmasters. He added that the clerk should be altogether separate from the Tehsil Panchayat.

Mr. S. G. Hart, Chairman of the Conference, said that after consulting the opinion of the various Committees as to local conditions the most fitting arrangements could be made. There would be no need for hard-and-fast rules.

3. The third resolution was proposed by Babu Lal Mohan Bose, President and Chairman of the Union Committee, Rajanagar, viz. :—

"That section 22 of the Chaukidari Act should be amended by inserting after the words 'ten per cent.,' the words 'or with the sanction of the District Magistrate not exceeding 12½ per cent.'"

The mover said that in realising Chaukidari tax the Tehsil Panchayat has to visit every rate-payer's house and has to devote almost his whole time and attention to the work. It is the practice in villages that rate-payers never go to the Tehsil Panchayat's house to pay their taxes. But indiscriminate issue of distress warrants in every case of default would cause great hardship to poor people who are generally ignorant of law and procedure. Ten per cent. on the collections is rather low remuneration for the whole time services of a Tehsil Panchayat. He proposed that the present legal maximum should be raised to 12½ per cent. with a reservation that this extra 2½ per cent. may be granted in Unions where the collection is over 97 per cent. of the assessment.

Rai Saheb P. M. Ghose, President Panchayat of Jaslong Union supported the resolution.

The feeling of the meeting was strongly in favour of increasing the remuneration of the Tehsil Panchayat.

4. The fourth resolution was proposed by Babu Kali Kumar Banerjee, President Panchayat and Chairman of Union Committee at Baherak :—

"Panchayats should uniformly adopt the principle of first making a list of all persons in the Union who can afford Re. 1 a month and levying the balance from the remaining assessees proportionately to their income and property within the Union."

The mover remarked that in order to make a fair assessment, it is desirable to have an accurate account of the circumstances and property to be protected of all persons in the Union and in order that the wealthier people may be assessed according to their circumstances and that the poorer people may get equitable relief, the principle should be followed of first ascertaining the people who are most well-to-do or who pay income-tax and then assessing the remaining residents according to their circumstances.

Rai Saheb P. M. Ghose proposed an amendment that as the law provides that every one who is able to pay half an anna per month should be taxed, the assessment list should be prepared by first ascertaining who can pay half an anna per month and then proceeding upwards ending with the wealthiest persons.

Mr. D. M. Sen, Subdivisional Officer, North Sadar, pointed out that under the Local Self-Government Act the Committee can impose assessment up to Rs. 60 per annum and that there is a likelihood of the maximum assessment under the Chaukidari Act also being enhanced.

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5. The fifth resolution ran thus :—

"That cordial co-operation between the Police and the Panchayats being essential to good district administration, it should be ordered that, though the Panchayats should be the eyes and ears of the Police, they are not to be treated as subordinates but as fellow-workers for the common good and the Thana officer should be their friend and guide."

The resolution was proposed by Babu Nripati Ranjan Ray, Chairman of Subhadya Union Committee, who said that the Police are necessary for preserving peace in the country but the proportion of Police officers to the population in Bengal is only 1 per 2,000. Unless the Panchayats, as representatives of the people, co-operate with the Police, it is impossible for the Police to detect criminals and to preserve the peace. If the Panchayats work as the eyes and ears of the Police then only can the Police preserve peace in the country. He added that Police officers are brothers, friends and kinsmen and there will be no real co-operation if the Panchayats keep aloof from the Police. He also said that co-operation did not mean subordination. Police officers are public servants and are bound to s rve the public. They, on their part, ought to be grateful for the great help they receive from the Panchayats.

Maulvi S. Siddiq, President Panchayat of Atabo, supported the resolution saying that the common object both of the Police and of the Panchayat is the same and as it is impossible for a Sub-Inspector to have full information concerning everything in his vast elaka it is incumbent on the Panchayat to co-operate with the Police.

Rai Saheb P. N. Ghose supported the resolution. Babu Hara Lal Saha, President Panchayat of Amta, objected to the word "guide" in the resolution as being inconsistent with the first part of the resolution which says that the Police are to co-operate with the Panchayats.

Mr. S. G. Hart, as Chairman of the Conference, remarked that Panchayats have not the same experience and are laymen in the work in which Police officers should be considered as experts as they devote to that work the whole of their time and thought. It is therefore right that Panchayats should look to the local Police officers for guidance.

6. The President Panchayat and Chairman of Tetuljhora Union proposed the sixth resolution, viz. :—

"That the functions of the Panchayat and of the Union Committee should be combined in a single body of which the majority of the members should be elected."

The mover remarked that with the amalgamation the collection work would be combined in the same person which will accelerate the collection both of Chaukidari and of Union Committee taxes. It would also enable the Committee to allot to such member a separate area, like a Headman's area, in which he would be responsible for all work connected with roads, wells, etc. The work of the Union Committee would thus be divided among the members instead of it being all done by one or two men. Panchayats have not been elected heretofore, and one advantage of amlagamation would be that the majority of the Panchayats would be elected by the people. Another effect would be that the chaukidar would work under one person only, which is impossible where the President Panchayat and Chairman are two separate persons.

Babu T. C. Chakravarty of Saturia in supporting the resolution remarked that amalgamation would obviate the friction which will be inevitable with two separate bodies in the same Union.

The resolution was unanimously accepted.

7. Rai Saheb Pramatha Nath Ghose, President Panchayat of Jaslon Union, proposed the seventh resolution, viz. :—

"That Panchayats should be invested with power to try petty civil and criminal cases, provided that such powers should not be exercised unless a quorum of at least three members is present."

The mover advocated the system of Village Courts and said "that unless more power is given to Panchayats they are practically useless."

Babu A. K. Chaudhury, President Panchayat of Harinarayanpur, supporting the resolution said that by local trial of cases expenses will be reduced and touts will be deprived of opportunities of mischievous interference. The Panchayats will be well acquainted with the parties and with the touts; so it will be easy for them to find out the truth. The mover also suggested the conferment of powers on Panchayats to try civil suits up to the value of Rs. 50.

Babu Debendra Kumar Bose supported the resolution.

Babu Jogendra Nath Banerjee, President Panchayat of Aralia Union, supported the resolution and suggested that no Pleaders or Mukteers should be allowed to appear in Village Courts.

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Rai Saheb Pramatha Nath Ghose remarked that Pleaders and Muktears must be allowed to appear as all accused persons should be given an opportunity of defending themselves.

The feeling of the meeting was strongly in favour of the establishment of Village Courts.

8. Rai Saheb Behari Lal Dhar, President of Matuail Union, proposed the eighth resolution :—

"That Panchayats should be empowered to order persons to remove water-hyacinth from waterways passing through or by the side of their land; on their failure, to have the work done, and realise the cost from the defaulters."

The Rai Saheb described vividly the troubles caused by these aquatic weeds and the damage done to the crops and to the fish. He advocated legislation on the above lines which he thought should be widened by inserting after the word "land", the words "or from beels in their possession", and the words "or from the person in possession or any one or more of the co-sharers in joint possession of the beel" after the word "defaulters."

The resolution was supported by Babu Nishi Kanta Mukherjee, President Panchayat and Chairman Autshahi Union. He deprecated the present dilatory methods of law courts in combating the nuisance and urged legislation empowering Panchayats to get the nuisance removed by the owners themselves.

Rai R. C. Guha Bahadur proposed an amendment to the effect that the khals by the sides of District Board and Local Board roads should be cleared by the District Board or Local Board.

Rai Saheb P. N. Ghose, while supporting the resolution, remarked that all Kachuri (water-hyacinth) throughout the district should be cleared on one particular day, just as the census is taken, otherwise if any village is cleared one day, the next day it will be choked with Kachuri brought in from neighbouring villages.

Babu Jogesh Chandra Sen remarked that the work might very well be done by volunteers.

Mr. S. G. Hart, Chairman of the Conference, agreed with Rai Saheb P. N. Ghose and said he looked forward to a time when there would be a day set apart for clearing Kachuri which would be called the Kachuri Day, like May Day, Arbor Day and other annual festivals, and on that day school-boys, officers, and every one would take a holiday from their ordinary pursuits and all join together in clearing away every particle of water-hyacinth from the pools and streams.

9. Resolution :—

"That one model Lower Primary school for boys and another for girls should be established in every Union in the district."

This was proposed by Munshi Abdul Rahman Bhuyan, who remarked that as the majority of the cultivating class are illiterate some provision for education should be made in every Union on the lines of this resolution.

Babu Girija Kanta Mazumdar, President Panchayat of Kolia Union, supported the resolution.

10. Munshi Ahmed Ali, President Panchayat, Kalagachia, proposed—"That in consideration of the large amount of time involved in compiling statistics for jute forecasts, Government should be moved to sanction an annual grant of Rs. 5 to each Union in jute-growing areas."

In moving the resolution Munshi Ahmed Ali stated that the compilation of the jute forecast involves at least ten days' hard labour on the part of the Panchayats and they should be given some pecuniary consideration for this serious loss of time.

11. Resolution :—

"That where a public thoroughfare has, by omission, not been entered as such in the Settlement Record, it is advisable that the Union Committee should record a resolution declaring the pathway to be, by established user, a public thoroughfare and should then take steps to reclaim and preserve it."

This resolution was proposed by Rai Pyari Mohan Basu Bahadur, President and Chairman, Betka Union, who, in doing so, remarked that the Settlement Department has shown in the cadastral maps only some of the more important pathways and that there have been many omissions. In cases of omission the Union Committee should be empowered to reclaim the paths, this being specially necessary in Munshiganj subdivision.

Appendix.

He suggested that any such halot (pathway) should be demarcated by iron pegs after a resolution has been passed by the Union Committee declaring it to be a public thoroughfare.

Mr. S. G. Hart remarked that it is well known and admitted by the Settlement Department that many public thoroughfares have not been recorded in the Settlement maps and records. If a formal resolution is passed by a Union Committee to the effect that a certain pathway is by established user a public thoroughfare, this will help very materially to establish the fact for practical and even for legal purposes.

12. Resolution :—

"That Union Committees should be empowered to pass bye-laws to enforce the clearing of jungle and the cutting of branches of trees overhanging public paths and waterways."

This resolution was proposed by Rai Ramesh Chandra Guha Bahadur, President and Chairman, Bajrajogini. In doing so he remarked that the prevalence of overhanging branches and of Mander trees has gradually narrowed the village roads and pathways till they have become almost impassable and shrouded in darkness even at midday. In some places this has become a serious nuisance and Union Committees should be authorised to clear jungle and overhanging branches and to pass bye-laws for that object.

13. Resolution :—

Proposed by Babu Rajendra Kumar Datta, President Panchayat and Chairman, Fatulla: "That when sending a criminal case to a member of a Panchayat for local enquiry it should be permissible for the Magistrate to order what amount, if any, should be paid to meet the Panchayat's actual travelling expenses, the payment being made to the Panchayat through the Court.

The mover remarked that President Panchayats are doing their honorary duties at the sacrifice of much time and labour and if the expenses of going out to make local enquiries have to be met by them it becomes a serious hardship especially to the more capable Presidents to whom more enquiries are entrusted. He suggested that at the time of ordering a preliminary enquiry the Court should estimate the cost and order the parties to deposit that amount.

The resolution was supported by Babu Kulada Kinkar Bhoumik, President Panchayat of Gala.

Babu Kali Kumar Banerjee, President of Beherak Union, remarked that his practice, when making enquiries, is to use boats supplied by the parties, usually the plaintiff. He suggested that a mileage allowance should be given to the Presidents during the rains.

Babu Aswini Kumar Chaudhury, President of Harirampur, suggested that whenever a case is sent to a President for enquiry the parties should deposit Rs. 3 as preliminary costs.

The general feeling of the Conference was that the actual expenses incurred by Panchayats in making magisterial enquiries should be recouped.

14. Resolution :—

"That the Madaripur system of whole-time dafadars should be extended to Dacca district."

This was proposed by Mr. J. N. Banerjee, President of Joydebpur, who strongly urged the introduction of the dafadari system on the lines followed in Madaripur, where it has been a great success. He added that the increased power of the dafadar would need be accompanied by increased powers for the Presidents which are very urgently wanted.

Babu Srish Chandra Choudhury, President of Nawabganj Union, suggested that poor gentlemen living in the village may be appointed dafadars and also that the name dafadar may be changed.

Some one in the audience urged that dafadars' pay should not be increased as this would make the chaukidari tax still more heavy. On Mr. J. N. Banerjee's explaining that half the increased pay of the dafadars would be met by Government, the resolution was carried unanimously.

15. Resolution :—

Proposed by Babu Jatindra Nath Chakravarty Bidyabhusan, President Panchayat of Suapur. "That under the control of the thana Police and the supervision of the Panchayat

Appendix.

working in co-operation, the system of patrolling by chaukidars should be made more effective. Chaukidars should be provided with up-to-date lists of all the Dagis and bad characters in their own and all the adjoining Unions (including Unions of other thanas). Every night they should go round their beats and take special care to look up persons of bad or doubtful character and watch their doings on dark nights. The dafadars should be provided with bull's eye lanterns instead of ordinary hurricane lanterns."

The mover remarked that in his Union by the system of patrolling described in the resolution he had detected and caught red-handed many criminals. He added that hurricane lanterns supplied to dafadars are not suitable for patrolling as they scare away the bad characters who take precautions when they see the light. Bull's eye lanterns are required for night-patrol work.

16. Rai Ramesh Chandra Guha Bahadur, President and Chairman of Bajrajogini Union, in a forcible speech urged that at present great difficulty is experienced in realising taxes from persons who lock up their houses. Most of the well-to-do people of Munshiganj Subdivision live away from their villages in the pursuit of their avocation. Being well off they cannot be exempted from taxation. They make no provision for the payment of their taxes but lock up their houses; and even though there is moveable property within, it cannot be distrained for the realisation of the taxes. The result is a deficiency in the Union Chaukidari fund which has to be met from the pocket of the President Panchayat, which is most unfair. The trouble arises from the fact that there is no provision in the law for the realisation of taxes of assessees who lock up their houses.

The speaker moved the following resolution: That a new section to be numbered 27A, should be inserted in the Chaukidari Act to the following effect:—

"On receipt of a report attested by the collecting member and the President of Panchayat that the moveable property of any defaulting absentee cannot be distrained except by breaking open the house of the defaulter, the District Magistrate or the Subdivisional officer may issue an order, authorising the President for that purpose, to break open or cause to be broken open, in his presence, any door or window of the house."

Rai Saheb Pramatha Nath Ghose suggested that the certificate procedure might be followed in such cases.

Babu Lal Mohan Bose, President of Rajnagar, suggested that the procedure sanctioned by the Municipal Law for realising arrear taxes should be followed.

The general feeling of the Conference was strongly in favour of action to enforce payment of taxes by absentee defaulters.

17. Proposed by Lalit Mohan Sen, President of Aminpur: "That a section should be inserted in the Local Self-Government Act enabling a Union Committee to elect one of its members to be Vice-Chairman."

The mover pointed out that there is provision for a Vice-Chairman in all other local authorities, such as Municipalities, District Boards or Local Boards. Nowadays when the Chairman is absent from the Union for some time the work of the Committee comes to a standstill and nothing can be done until the Chairman returns.

This closed the discussion.

18. Mr. Milligan, Director of Agriculture, then addressed the meeting thanking the Presidents for their help in popularising the new varieties of paddy and jute which the Department is introducing. Mr. Milligan clearly explained the system by which it is hoped to effect the distribution of seed of the new varieties into every Union, every village and every field where the conditions are suitable.

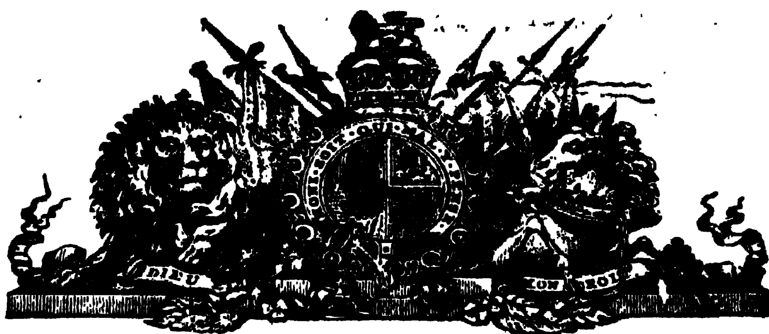
At the Director's request many of the Panchayats rose and testified to the excellent results obtained in their Unions from seed supplied by the Agricultural Department.

19. His Excellency the Governor then arrived and addressed a cordial speech of encouragement to the Presidents.

20. The Conference then dispersed, many of the members on their way taking the opportunity to further examine the experiments and demonstrations in progress on the Government Farm.

S. G. HART,

Chairman of the Conference.



The Calcutta Gazette

WEDNESDAY, NOVEMBER 27, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Thursday, the 14th November, 1918, at 11 A.M.

Present:

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble SIR SATYENDRA PRASANNA SINHA, KT., K.C.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. J. MACKENZIE, O.B.E.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. J. W. HELY-HUTCHINSON.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble BABU SIV NARAYAN MOOKERJEE.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E., C.B.E.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble MR. E. B. EDEN.

The Hon'ble MR. G. A. BAYLEY.

The Hon'ble MR. H. R. A. IRWIN, C.I.E.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble MR. K. B. DUTT.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

LIST OF BUSINESS—ITEM No. 1.

Oath of Allegiance.

The Hon'ble MR. G. A. BAYLEY made an oath of his allegiance to the Crown.

The President's address.

The PRESIDENT said :—

"I think it will be well if I say one or two words describing the procedure which I propose to follow in the course of the proceedings to-day. This meeting of the Council, as Hon'ble Members will remember, has been called at the request of the non-official members in order that they may have an opportunity of expressing their opinions upon the Reform Scheme. Under those circumstances since it is the opinions of the non-official members that we are to receive I have asked the official members of the Council either to abstain from attending or if they attend to take no part in the proceedings. At the same time Government are naturally anxious to give to the Council any assistance which they may require, and all the members of the Government are therefore present and should they be able to assist the Council in their deliberations by giving them informations as to facts upon any point which may crop up they will be very pleased to do so. But apart from that they will make no attempt of any kind to influence the decision of the Council. I should like to call the attention of Hon'ble Members before we start on our discussions to items Nos. 10, 11 and 12 which stand upon the agenda paper. The proposal there put forward is that the non-official members should resolve themselves into a Committee for the purpose of considering the Reform Scheme and submitting a report thereon to the Government of Bengal. I would point out to Hon'ble Members that if any such resolution is carried it would render any further proceedings in open Council to-day somewhat irregular. It would indeed be wholly contrary to the recognised practice of deliberative assemblies, for the Council to hold a debate and record its decisions upon the matters under discussion, and after having done so, to resolve itself into a committee for the same purpose. There is one obvious objection to such a proceeding which is, I think, of itself, conclusive. The authority of the Council is superior to the authority of any committee of the Council, so that the position would be this · the Council would have recorded its decisions and with those decisions the subsequent committee could either agree or disagree. There would be no other course open to it. If it agreed with them its formation would have been thereby proved to have been superfluous. If, on the other hand, it disagreed with them, its formation would have been proved to have been both futile and mischievous—futile because its views could not prevail against the superior authority of the Council itself with which it disagreed, and mischievous because although its views could not prevail against those of the Council itself, they would obviously do much to stultify the decisions deliberately arrived at and recorded by the Council in open session. Under those circumstances it appears to me that there are only two courses open to the Council. If they decide to move item No. 10 on the agenda paper and if it is carried I should have to rule further proceedings in open Council to-day out of order. On the other hand, if the Council prefer to hold their discussion in open session to-day and to record their opinions in open session, then I shall have to rule that items Nos. 10, 11 and 12 should not be moved. I have no desire to influence the Council one way or the other. I have merely explained the position as it appears to me and I have informed you of the ruling which I shall have to give. I would suggest that Hon'ble Members should think over what I have said while we are proceeding with

the first resolution which stands upon the paper and which is a resolution of a general character. In the event of the Council deciding not to move items Nos. 10, 11 or 12 but to hold their discussion in open Council to-day, I would point out that there are, of course, a large number of motions on the paper which are covered by others. Then again there are some motions standing on the paper which it will be more convenient to move as amendments to other substantive motions. I shall be prepared to give rulings on each item so far as that is concerned as it comes up for discussion. I will now call upon the Hon'ble Rai Debender Chunder Ghose Bahadur to move the first resolution."

The Hon'ble SIR DEBA PRASAD SARBADHIKARI said :—

"May I, with Your Excellency's leave, say a few words so far as I am concerned. My lord, in sending this resolution I was only following the line which was followed in the Supreme Council at Simla with notable results. Having regard, however, to what Your Excellency has just been pleased to say and having regard to the discussion which I have just had with some of my European friends here, I am prepared to say that I would not wish to move my resolution if it really retards business. I do not know what my other colleagues would do.............."

The PRESIDENT said :—

"Order, order. I think it would be more in order if the Hon'ble Member will make any observation on that point when I call on him when we reach item No. 10."

THE VICTORY RESOLUTION.

The PRESIDENT said :—

"An Hon'ble Member has asked my permission to move formally a resolution which he desires to submit to the Council and which under the exceptional circumstances at the present time I am prepared to admit."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"On behalf of the Indian members, I beg to submit the following resolution :—

'This Council receives with profound joy the happy news of the signing of an armistice between the Allies and Germany marking the final victory of the allied army after four long years of strenuous fighting for the vindication of the cause of liberty and freedom, and is grateful to His Excellency the Viceroy for his kind communication on behalf of India to His Majesty the King-Emperor of the exact feelings of His Majesty's Indian subjects at this hour; this Council further very gratefully appreciates the announcement that India will be represented and her interest protected at the Peace Conference.'

I need not say much on the resolution. It is a very happy hour no doubt. It is the final triumph of justice over violence. The Prussian militarism which it was sought at the very outset of the war to crush has been crushed, and, I believe, militarism with all the horrors of its vandalism has now come to an end; and I hope Your Excellency will accept our appreciation of the situation as well as the great faith which the Government has shown us particularly by receiving one of the representatives of India to represent her interests at the coming Peace Conference."

Victory Resolution ; Resolutions.

Mr. Ashraf Ali Khan Chaudhuri ; Mr. P. C. Mitter ; Rai Radha Charan Pal Bahadur ; Sir Deba Prasad Sarbadhikari ; Mr. Crum ; Babu Kishori Mohan Chaudhuri ; Rai Debender Chunder Ghose Bahadur.

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI said :—

" On behalf of the Muhammadans especially I have the greatest pleasure in supporting this resolution and in expressing the sense of its extreme satisfaction at the conclusion of the peace."

The Hon'ble MR. P. C. MITTER said :—

" As the representative of the landholders' interests in this Council I have much pleasure in associating myself with the resolution."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

" Representing the citizens of Calcutta in this Council I have much pleasure in associating myself with the resolution which has been so ably moved by the Hon'ble Babu Ambika Charan Mazumdar."

The Hon'ble SIR DEBA PRASAD SARBADHIKARI said :—

" ' We want King George '. That was the cry raised by the crowd which assembled before the Buckingham Palace when the terms of the armistice were announced. In the sense that I read the call, it was a fitting counterblast in advance to the world-wide revolutionary ideas preceding and following the armistice. His Excellency the Viceroy has done exceedingly well—if one may say so without impertinence—to give expression to the feelings of unalterable loyalty of India towards the Throne and the person of His Majesty the King-Emperor. India whole-heartedly rejoices with the Empire at the approaching peace and all that it would stand for towards progress, civilization, humanity and righteousness."

The Hon'ble MR. CRUM said :—

" I should like to associate myself with the resolution proposed by the Hon'ble Babu Ambika Charan Mazumdar. I am sure we are all unanimous in congratulating the Viceroy and the British Empire on the great victory that they have won."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

" As a representative of the Municipalities in the mufassal I am glad to associate myself with the object of the resolution and I heartily support it."

The resolution was then put and unanimously agreed to.

LIST OF BUSINESS—ITEM Nos. 2 AND 6.

RESOLUTIONS.

The Hon'ble RAI DEBENDER GHUNDER GHOSE BAHADUR moved the following resolution :—

" This Council is of opinion that the Constitutional Reform proposals laid before this country and the Parliament in England, by His Excellency the Viceroy and the Secretary of State for India, are a genuine effort and a definite advance towards the progressive realization of responsible Government in India."

He said :—" Peace reigns over the earth. The world's tribulation has come to an end, and people of every land, except perhaps those of an accursed

Resolutions.

Rai Debender Chunder Ghose Bahadur.

country, are beaming with joy. By the heroic part which England has played in the greatest war since the birth of humanity, she has more than justified the old saying, 'righteousness exalteth a nation.' Good will to mankind, especially to India, England has not only expressed in words and declarations during the progress of the war, but she has during that period made a serious effort to raise us in the scale of nations by devising a workable scheme of progressive self-government for this ancient land within the British Empire. Her promises will no doubt be fulfilled, and now that the distractions of war are over, we of the older generation will live the remaining span of our life, in the hope that, through God's blessing and England's generosity, we shall soon have the privilege of administering our own affairs to some extent. This hope we have been cherishing in our mind since the memorable declaration in the House of Commons made on the 20th day of August, 1917. There was then, however, one cause of uneasiness. With all our faith in the might of England and of her allies in the field at that time, there was no near vision of victory, and our political life was bound up with decisive success to their arms. This uneasiness did not trouble the Cabinet at Home and England's Minister and India's Viceroy who were commissioned to formulate a workable scheme have between them produced one which is certainly a genuine effort to give the people of this country a measure of self-government hedged in no doubt by conditions dictated by considerations of prudence and caution, but not of mistrust. It is a distinct, definite and substantial step towards the gradual and progressive realization of responsible government, as promised in the declaration of the Cabinet made in August 1917, for which we cannot be too grateful to the illustrious authors of the Reform proposals. The scheme will be as it were an inclined plane to us which is bound to lead us to full responsible government at no distant time. Probably there will be a weaker degree of efficiency in the administration of affairs connected with transferred subjects in the beginning, and probably there will be more mistakes than when their conduct was in the hands of British Civil Service men. Mistakes and the remedying of the evil arising out of mistakes are a part in the growth of a nation, and such a state of things in the near future has to be tolerated as a normal state leading to better things. The illiteracy of the masses for which the East India Company and subsequently the Crown are responsible, ought not to stand in the way of the introduction of representative government in this country. The political reforms of 1832 and 1868 in England were introduced when the masses there were no better. But this educational and social defect did not stand in the way of democracy in that country, and the democratic plunge made by Mr. Disraeli in 1868 led to the passing of Mr. Forster's Education Act in 1870. In the matter of mass education in India, with the fate of Gokhale's Education Bill of 1910 before our eyes, I can only say that not till there is some sort of self-government in the matter of finances and primary education, the dumb millions will ever see the light of knowledge, and it would be arguing in a circle and it would not be fair to say, you cannot approve of the introduction of representative government because in the beginning it will be an oligarchy and not democracy. People of the last conquering nation—the British—do not choose to live permanently in this land as their predecessors the Moguls and Pathans did. If they did that, they would have felt that their interests and our interests are identical, and this country would have got a representative and responsible Government long ago. As it is, the European commercial community, if they had their own way, would put off the introduction of any form of self-government in their day. People in England are more generous in instincts. I appeal to my European friends here—and they are all picked men—to forsake their narrowness, to rise equal to the occasion and join in the holy work of the inauguration of responsible government in this ancient land of the Aryans."

Resolutions.

The President; Sir Deba Prasad Sarbadhikari; Rai Radha Charan Pal Bahadur; Rai Debender Chander Ghose Bahadur.

The PRESIDENT said :—

"I would call attention of the Hon'ble Members to the fact that items Nos. 3, 4, 5, 6, 7 and 8 are all covered by the motion which is now before the Council. It will not be in order, therefore, to move any of these motions but any Hon'ble Member, of course, can speak upon the motion which is now before us. There is a small difference in one or two of the motions to which I have referred in which one or two Hon'ble Members desire to point out that the Reform Scheme may be imperfect or defective in certain respects. It will be open, therefore, for the Hon'ble Babu Ambika Charan Mazumdar, if he wishes it, to move as an amendment to the motion now before us the following :—

'To insert after the words "Secretary of State for India" in line 3 of the original motion the following words—" even though they may be imperfect or defective in certain respects." '

If the Hon'ble Member wishes to move that as an amendment he should do so now."

The Hon'ble SIR DEBA PRASAD SARBADHIKARI said :—

"May I suggest that if the resolution standing in my name is made a part of the original motion, then it will not be necessary for me to move an amendment."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"I beg to submit, my lord, that my resolution is differently worded. My resolution begins with the same words as his, but it is otherwise quite different."

The PRESIDENT said :—

"I am prepared to accept the suggestion of the Hon'ble Sir Deba Prasad Sarbadhikari. He will move his resolution as an amendment to the original motion."

The Hon'ble SIR DEBA PRASAD SARBADHIKARI moved, by way of amendment, that the following be added to the resolution, namely :—

"and also desires to record and offer its grateful thanks to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India for their Reform proposals."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"I accept the amendment."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My lord, while the Council welcomes the first modification on the resolution, I desire to draw attention to the second paragraph of the resolution."

The PRESIDENT said :—

"If the Hon'ble Member reads out the exact amendment which he wishes to move I will consider it. In the meantime the discussion on the main point may continue."

Resolutions.

Babu Ambika Charan Mazumdar; Rai Debender Chunder Ghose Bahadur; The President; Babu Mahendra Nath Ray.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My lord, I have accepted the first portion of my hon'ble friend's resolution, but I have got another clause in my resolution which is 'and it is further of opinion that the Government should adhere to the policy and principle of responsible Government which have dictated those proposals and give effect to them, with such modifications and improvements as have been urged by the majority of the Indian public, in fulfilment of the memorable declaration of the 20th August, 1917.' This is my addition. If my hon'ble friend will accept it I believe the debate may go on upon his resolution as a whole."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"I have felt some difficulty in accepting the proposed amendment : it appears to me to be a little vague and indefinite and that is why it is difficult to agree with my hon'ble friend."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"In that case, subject to Your Excellency's decision, I shall have to move it as an independent resolution."

The PRESIDENT said :—

"I think, the amendment which the Hon'ble Rai Radha Charan Pal Bahadur is about to move will cover the point suggested by the Hon'ble Member. I understand that the Rai Bahadur would like to move the second part of item No. 7 as a separate motion. I think that will probably meet the Hon'ble Member's object."

The Hon'ble BABU MAHENDRA NATH RAY said :—

"My lord, the motion which is before the Council and which, in terms, is similar to item No. 5 which stands in my name, and which is probably identical with the one before the Council, is made with a special point of view which I shall respectfully ask the Council not to overlook. The educated Indians who have expressed their opinion on the Reform proposals are generally agreed that they should be accepted, but they suggest that they should be accepted with certain important modifications, especially in the direction of the Government of India being made more responsible to the Representative Assemblies : but many of us are of opinion and hold that even if such modifications are not conceded at present we should be content with the reforms as proposed in the report as a substantial first instalment. It was with that point of view that I drafted the resolution which stood in my name, and I take it that is also the point of view from which my hon'ble friend, Rai Debender Chunder Ghose Bahadur, made his motion. Let it, therefore, be distinctly understood that the motion which has been put before the Council which is substantially the same as the motion of which I had given notice takes this position and takes this position with perfect clearness. So far as educated India has expressed itself, it has said that certain important modifications, specially in respect of the Government of India, are desirable, but it does not say that even if such modifications are not allowed at the present moment, the people do not desire to have the Reform proposals as they are embodied in the Report.

Your Excellency, the only additional observation which with Your Excellency's leave I would venture to make before the Council is this : We cannot ignore the chief objections which have been urged against the Reform proposals as embodied in the Report and with Your Excellency's leave I shall notice only two of them. It is said that the reforms are demanded only by a very small minority of people, the educated and the higher classes, and that

Resolutions.

Babu Ambika Charan Mazumdar.

India is not and ought not to be the home of democracy. Of the many eminent critics who have said so one may single out two very distinguished names—Lord Sydenham, a great Engineer and the ex-Governor of Bombay, and Sir John Hewett, a distinguished member of the Indian Civil Service and an ex-Lieutenant-Governor of the United Provinces. The *Times of London* never said a wiser thing than when it referred, in refutation of this view, to Japan. We all remember that before representative Government was granted to Japan 30 years ago the reformers who fought for it consisted of a very small proportion of the population, the Samurai, and a small band of young men and thinkers who had returned from a direct observation of the working of the constitutional system in Europe and America. I am quoting Captain Brinkley, the famous authority on Japan, who says 'The bulk of the people—the agricultural, the industrial and mercantile classes—remained outside the sphere of politics not taking any serious interest in the great questions of the time.' And Constitutional Government in Japan has proved a success. The lessons of the great war which is just over ought not to be lost upon us. It has brought home the triumph of responsible Government all over the world. The other objection which has been very strongly urged by the two distinguished statesmen I have just named and others appears to me to be this—that the proposals, if adopted, will lead to complications in the administrative machinery. It is said, for instance, that one of the most important reforms proposed—that dual system of reserved and transferred subjects—will lead to serious complications in practice, and the ex-Governor of Bombay actually said that as the Indian genius excels in intrigue Indian legislators will take advantage of such complications to oppress his fellow countrymen. I have no doubt that the British people would refuse to listen to such suggestions but will accept the unavoidable complications which are due to the very necessities of the case. These complications are a compromise between, on the one hand, the paramount duty of the Executive Government to safeguard the interests of peace, order and good government and, on the other hand, the necessity of at least a partial realisation of responsible government in India as a first step in accordance with the announcement of the 20th August. The people must be taught, as my hon'ble friend the mover has already said, in the art of self-government. Your Excellency, with these words I shall support the motion of my hon'ble friend Rai Debender Chunder Ghosh Bahadur, and the motion which stands in my name, No. 5, which is practically identical with No. 2, necessarily drops."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My lord, I have already said in my note submitted to Government that it is impossible to rise from a calm and dispassionate perusal of the elaborate and masterly report of the Right Hon'ble the Secretary of State and His Excellency the Viceroy without being profoundly impressed with the sincerity and genuineness of the policy which have dictated the proposals formulated in it. It cannot be doubted that these proposals, however imperfect or defective they may be, are honestly intended to form the nucleus of a constitution which, if whole-heartedly and systematically fostered and developed, is purely calculated to prove at no distant time a real and substantial measure of responsible government in India. It is easy to point out defects of these proposals—in fact the illustrious authors of the scheme nowhere claim for perfection or finality for it. It may be also possible to say that some of these proposals in their present form even go to militate to some extent against the fundamental conception of the scheme; but it would be difficult for honest criticism not to admit that the constitution as proposed is a clear and decisive advance upon the existing unconstitutional constitution of the country, and to ignore the broad fact that underlying these defective proposals there is the germ of responsible government

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which may require only time and opportunities to grow and expand in the process of our national evolution. My lord, it is some of these defects which has evoked sharp criticisms from certain quarters; but I sincerely believe that those of my countrymen who have assumed a hostile attitude towards this scheme have their eyes more upon these defects than upon the real principles underlying this scheme. To some of these defects I reserve my right to speak later on when my hon'ble friend, Rai Radha Charan Pal Bahadur, will move his resolution as I have accepted it. But before I do so, I think I ought not to pass over some of the criticisms which have been made both here as well as in England against the scheme without a passing notice. My lord, the Reform proposals have been subjected to flanking attacks from two sides, each of which is diametrically opposite to the other. In the first place, those who are firmly wedded to the fetish of traditional prestige and are labouring under long-standing prejudices, shudder at the very idea of a change and would have none of it. The sum and substance of their opposition seems to be that they are afraid that any change in the present constitution would mean the beginning of the end of their only interests in this country and lead to the utter collapse of the British enterprise in India. My lord, I do not blame those critics. Any people similarly circumstanced and enjoying similar privileges, immunities and advantages during the lifetime of four or five generations, would be naturally seized with such fears. But is there any reasonable or rational ground for such fears? These fears were seriously expressed by the British settlers in South Africa on the eve of the South African Union, but to-day there are perhaps no more staunch supporters of the British Empire outside Great Britain than Generals Smuts and Botha, and British capitalists perhaps are now as safe in Pretoria as in London.

I admit that there is not much of cordiality at present between the two communities; in spite of the repeated efforts of Government to bring them together, there are still lurking jealousy and distrust between the two communities, but the thing is that it is only among fellow citizens and not among fellow subjects that there can be mutual trust and confidence and it is only mutual trust and confidence which go to dissipate prejudices, harmonise relations between the different communities and inspire their minds with respect and regard for mutual interests. Those critics imagine that it would be a mistake to introduce responsible government in India at the present stage. It seems to me that not exactly knowing their own minds and having no clear idea as to when and under what circumstances they might be disposed to recommend such a change in the constitution, they simply want to take comfortable shelter under an indefinite postponement. My lord, is there any ground for such fears on their part? It is nearly 70 years to-day that Macaulay in his prophetic vision foresaw the present situation when he said that the minds and ideas of Indian people widened by western education will aspire to western institutions, but he would not be sorry for it, for he said if that day ever came he would regard it as the proudest day of England. My lord, the 'proudest day of England' has come; unfortunately, however, there are those who, with their judgment crowded by selfish considerations or through timidity, cannot appreciate their own national greatness and are not able to rejoice in their own triumph. It is really a day of triumph of England in the East. My lord, I will not argue with the Noble Lord who, having eaten the salt of India and after either ruling or misruling an Indian province for five years, is now leading a crusade against her in England and who has engineered an organisation whose very name is a deception and fraud and which has now come forward as a desperate effort to avert the inevitable, with a grotesque suggestion for the establishment of a few model farms in a few selected districts in each province for the cultivation and demonstration of responsible government in India. My lord, it is more regrettable than surprising to find that Lord Curzon, at the top of these reactionaries, has come forward with a statement which

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has startled the Indian public. Speaking in the House of Commons His ex-Excellency is reported to have said that the Government has not yet committed itself to the Reform proposals. I really wonder if His Lordship really means what he says. Was not the declaration of 20th August an act of Government? And I ask in the name of my countrymen—was not the expensive misson of Mr. Montagu in pursuance of that declaration, an act of the Cabinet in England, and are we to understand that a report of a Secretary of State and a Viceroy is to be treated as a mere 'scrap of paper' without any binding force? My lord, the fortunes of war have happily changed entirely in favour of the Allies and Teutonic militarism with all the horrors of Teutonic vandalism has come down on its knees begging for peace. The complete victory is now in our hands. At such a moment—at such a happy moment—to suggest anything so mischievous is to lead the people of this country to suspect that the Government may go back upon its own pledges or promises, and to whittle down the Reform proposals would be, to say the least of it. very deplorable if not disastrous. It is to be hoped that the British public will strongly repudiate any such unworthy suggestion and strongly denounce such a change in the angle of vision. Above all, it is to be hoped that the British statesmanship will rise to the full height of the occasion and vindicate British justice and British faith which more than anything else, even more than the Grand Fleet, is the strongest bulwork of this vast Empire.

My lord, I have done. I will not take up much of Your Excellency's time. After centuries of dismal darkness in which the people lay in deathlike slumber and during which a civilization more ancient than that of Greece and Rome and even older than that of Babylon and Niniveh was swept away by successive convulsions and revolutions unparalleled in the history of nations, the light which in the early morning of this world travelled from the East to the West has come back from the West to the East and revealed to the astonished gaze of modern civilization that if there is one India above, there is another India not far beneath its surface; at the touch of that magic light the people have been rudely awakened to a sense of self-consciousness and during the last thirty years or more they have struggled hard, though struggled in vain, to recover their long-lost birthrights. After years of weary wandering in the desert the hour of deliverance has at last come and we are in view of the promised land. A calamitous war, the most terrible recorded in history in ancient or modern times, has proved a great blessing in disguise to the world; to us it has furnished an opportunity of not only conclusively proving our reasoned attachment to the British connection, but also our capacity to share the burdens of that connection as equal partners of this vast Empire. To the British public it has revealed the fact that if the liberties of the great nations of the world have to be maintained, those of the smaller and the less fortunate ones must also be respected. It has been truly observed by the greatest political philosopher of Great Britain that a great Empire and a little mind go ill together. Let England extend the right hand of fellowship to us, and we shall grasp it with all the fervour and warmth of an Indian heart, and the Indian heart is as warm as the Indian sun. Let her raise us from the position of British subjects to the proud position of British citizens and she may rest assured that India and England will ever remain indissolubly bound together by hooks of steel."

The Hon'ble RAJA HRISHIKESH LAHA said :—

"Your Excellency, the memorable announcement made by His Majesty's Government on the 20th August, 1917, has been taken as the basis of the impending reforms, and we have to see as to how far the reforms now proposed seek to give practical effect to the announcement which has been

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truly characterised as 'making the end of the epoch and the beginning of a new one.' The changes proposed and the modifications suggested in the present system of administration are intended, as I understand, to place India in a position to reach the final goal of responsible government within a measurable distance of time. It is for the first time in the annals of British Administration in India that the desire for self-determination on the part of the people has been recognised by the authorities as the natural outcome of the work of a hundred and fifty years of British rule, and the aim of the illustrious authors of the Report in formulating the scheme which is now before the country is obviously that 'of enabling Indians in so far as they attain responsibilities to determine for themselves what they want done and how they want it to be done,' and for this the people have every reason to be grateful to them. It is but meet that my countrymen should be extremely grateful to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India for the genuine spirit of sympathy with the hopes and aspirations of the people which they have evinced in this momentous document.

So far as the present system of Government is concerned, three defects have been pointed out in the Report, viz., (1) that the present machinery no longer meets the needs of time, (2) that it works slowly, and (3) that it produces irritation. The people fully endorse this view and the reforms proposed will be acceptable to them in proportion as they seek to or succeed in removing those defects from the body politic.

We have no desire to make any detailed criticism of the scheme, and while we reserve to ourselves the right to take exception to such of the details as may call for amendment, we cannot shut our eyes to the fact that the scheme as a whole, expressing as it does the intention of the illustrious authors, is to open wide to the people of this country the gates of opportunity, and if the educated classes would only show their fitness by their integrity, energy and public spirit in the faithful discharge of their public duties, the clear conception of India's future as summed up in paragraph 349 as stated below stands to be realised within a measurable distance of time.

> Our conception of the eventual future of India is sisterhood of States, self-governing in all matters of purely local or provincial interest, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this congeries of States would preside a central Government, increasingly representative of and responsible to the people of all of them; dealing with matters, both internal and external, of common interest to the whole of India; acting as arbiter in inter-state relations, and representing the interests of all India on equal terms with the self-governing units of the British Empire.

We must always keep the above ideal in view and if at the commencement we can pilot the ship through the shoals and narrows and reach port in safety our claims to higher powers and preferment would be indisputable.

There are two points to which a brief reference is made in the Report but which have been unfortunately left out undisposed of as having been outside the purview of the Report, viz.: (1) the Army, (2) Industries and Tariffs. Both these are of vital importance to India, if she has to occupy and retain her position in the world as a self-governing unit of the British Empire. The two most essential conditions of a self-governing country must be fulfilled, namely, that it should be able to defend itself and secondly, that it should be self-contained. To achieve these ends it is absolutely necessary that the future military and the industrial policy of the Government must be radically changed and definitely settled: as for the military policy of the Government it has long been a source of great disappointment to the people, and the whole country is grateful to His Majesty's Government for the

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announcement that 'the bar which has hitherto prevented the admission of Indians to command ranks in His Majesty's Army should be removed.' I would rather suggest that it should be expressly provided that no racial bars shall henceforth exist in regulations for appointment to the military service, and that in accordance with the statement of the authors 'it is not enough merely to assert a principle, we must act on it' and 'that a considerable number of commissions should be given,' a liberal percentage should be fixed to satisfy popular demand.

With regard to the second point, namely, the question of industries and tariffs, I need only say that the authors of the Report have truly voiced the opinion of the Indian public on the subject in paragraph 342. India demands fiscal autonomy as nothing short of that will enable India to stand upon its own legs. As stated in the Report 'India rightly wishes to find another substantial base than that of the source for Indian Revenue and it turns to a tariff to provide one.' Unless fiscal autonomy is granted to India and until the Government of India is allowed to pursue its own policy with the sole object of improving India's own industries and commerce, the resources of the Indian Government could never be sufficiently developed to cope with the fresh responsibilities which the new reform scheme will entail. The demand for fiscal autonomy on the part of India is genuine and in the very interest of the country it is essential. It is hoped that His Majesty's Government and the British Parliament will realise this, and under the new scheme of reforms the Government of India will be authorised to control their own fiscal policy.

I cannot do better than conclude my remarks in the words of His Excellency the Viceroy 'Diversity of opinion there must always be; diversity indeed is the very law of life. But there is a higher law still, the law of unity, and it is the task of the Council to reconcile the many divergent interests of India into one whole and to bring her ever nearer to the goal towards which we are all striving.' I hope His Excellency's anticipation will be verified and that by a spirit of sympathy and co-operation the different races will do their utmost to bring about the happy consummation of the scheme which is expected to bring contentment to the people of the country. We must record our general approval of this epoch-making measure. It immediately gives us much that we had hardly dreamt of before and promises us more in the not distant future. It marks a satisfactory advance upon the past policy and professions of our rulers, and holds up before our eyes a glorious vision of the future which will mark the fulfilment of England's mission in India than which a nobler one has never inspired the energies of man or deserved to win the blessings of the Most High."

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY said :—

" I rise to support the resolution before the House. I have no hesitation in declaring that the Reforms constitute a distinct advance upon existing conditions and mark a substantial step towards the progressive realisation of the goal of responsible government. But I cannot lend my whole-hearted support to the resolution without inviting Your Excellency's attention to the keen sense of disappointment, dissatisfaction and dismay with which the Reforms are received by Muslims of all shades of opinion. I cannot sit down without placing prominently before Your Excellency the principal modifications which the Muslims demand and without which the Reforms lose their significance for them.

The Muslim demands have been placed before Government in forcible terms by the All-India Muslim Association, and the Central National Muhammadan Association, and I need not repeat them here. All that I need say is to declare my full concurrence with the views expressed by these two

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important Muslim Associations. But I shall, with Your Excellency's permission, dwell on one of the main demands in order to show that the Muslims are not an unreasonable people, that they have no desire to retard the progress and arrest the growth of national sentiment in India, but that they have a just cause for alarm and discontent. That demand is the demand for the adequate representation of Muslims through communal electorates. Let me briefly recount the history of this demand. It was in October 1906 that the first sign of the awakening of Muslim political consciousness became distinctly visible. It was in that year that the memorable Muslim deputation headed by His Highness the Aga Khan waited upon His Excellency Lord Minto and obtained from him those words of assurance of the protection of Muslim political rights and interests as a community that are justly regarded by them as the Magna Charta of the political rights and liberties of minorities. The assurance given by Lord Minto was confirmed by Lord Morley in the House of Commons in the following words :—

'The Muhammadans demand three things. I had the pleasure of receiving a deputation from them and I know very well what is in their minds.

They demand the election of their own representatives to these Councils in all the stages just as in Cyprus, where, I think, the Muhammadans vote by themselves . . . . Secondly, they want a number of seats in excess of their numerical strength. These two demands we are quite ready, and intend, to meet in full.'

Your Excellency is well aware that in spite of the assurance thus given in clear and unmistakable terms statements were made by persons in authority both in India and in England which 'created a suspicion in Muslim minds that these promises were liable to violation, that the Government in England were deliberately trying to find a way out of redeeming the express pledges they had given to various Muhammadan deputations which attended upon the Viceroy and the Secretary of State." However, the Minto-Morley Reforms came and our own Council is a standing testimony of the way in which pledges given to Muslims were redeemed. In a province which may well be described a Muhammadan province we are given only five seats through communal electorates and we are given the very remote and distant chance of returning as many Muslims as we can through mixed electorates. The result is that there are only six elected Muslim members in the Council to-day against seventeen Hindu and five European elected members. It is thus that the Muslim demands have been met in full by Lord Morley. Far from assuring us a number of seats in excess of our numerical strength. he has allotted us a number of seats far below it. Yet the Muslims acquiesced in the arrangement and accepted the Morley-Minto Reforms without murmur..

The Muslim attitude continued acquiescent till the fateful 12th of December 1911—a day which is the starting-point of that strong current of Muslim dissatisfaction and discontent which culminated in the Congress-League *Concordat* of December 1916. The annulment of the Partition of Bengal came as a severe shock to the faith of the Muslims in the Government. Whether the revelation of the dangerous secret that the pledges of a Governor-General or a Secretary of State can be broken by his successor, whether this breach of faith has inspired others with greater trust and confidence in the words of Ministers and Viceroys, I do not care to ascertain. But this unsettling of a settled fact has undoubtedly shattered the implicit faith of Muslims in Government and has made them extremely suspicious of Government promises. Then came the world-wide war which has happily just terminated in the unqualified triumph of the principles for which England arrayed herself on the side of the Allies—the principles of justice and humanity, the defence of the rights of small and weak nations and the sanctity of pledges and promises. The participation of Turkey in the war followed

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and with it there has grown 'a feeling among Muslims that Government is less mindful of their interests than in the past.' In the appointment of only one Muslim out of three Indians in the Secretary of State's Council, the absence of a Muslim representative from the War Cabinets and the Peace Conference although the future of the sacred places of Islam—Mecca, Medina, Baghdad, Kerbela and Jerusalem—is involved, the absence of a Muslim in the India Council to-day in the place of Sahibzada Aftab Ahmad—these, amongst others, are regarded as indications of Government's change of attitude towards Muslim.

The Indian Muslim Association in its address to the Secretary of State and His Excellency the Viceroy expressed itself as follows :—

In conclusion, we venture to express the hope that you will redeem in full the promise Lord Morley had given us and recognise the just claims of our community. We do not rest our claims on any concession or favour granted by the Great Moguls to the East India Company. We do not base our demands on any *Sanad* or *Firman* of Shah Jahan, Alamgir or Shah Alam—faded and forgotten parchments, grown musty with the march of time. But we do base and rest our claims and demands on the assurances given and accorded to us by responsible ministers of the Crown and representatives of His Majesty the King-Emperor whose utterances are fresh in the memory of living men. In considering our claims, we beg of you to remember that they rest not only on the numerical strength of the followers of Islam, great as it is in India, and greater still in the British Empire; not only on their historic and political importance, great as it is in this country, and greater still in the history of three different continents, but also on our profound, continued and proved loyalty to the person and throne of the King-Emperor, a loyalty which has stood the severest of tests on many occasion in peace and war.

But to their great disappointment the Muslims find their loyalty strangely rewarded. They find a homily preached to them on the evils of communal representation: 'It is against the teachings of history.' The history of what nation, what country, one naturally asks? With due respects to the authors of the Report, I submit that their conclusions are due to a misreading of the teachings of history. If one goes to history for assistance one stands upon dangerous grounds. In the history of what nation. and of what country, have we got an example of the system of Government which is offered under the reforms scheme? We cannot find a historic precedent and example anywhere. The only reasonable reply to a demand for historic example would be that the conditions and circumstances of India are unique and unprecedented. It is on these unique and unprecedented conditions and circumstances peculiar to India that the Muslims base their claims for communal representation. 'It perpetuates class divisions.' This proposition provokes the smile of every student of Indian history. Class and caste divisions stereotyped in the adamantine mould of immemorial custom going back to the days of Asoka and Vikramaditya and beyond, do not, for their perpetuation, stand in need of a council election every three or five years, which touches only the barest fringe of the vast population of India. Finally the authors of the report take away with the left hand what they grudgingly give with the right. They plainly indicate that the communal representation granted to Muslims is temporary and liable to be withdrawn. Paragraph 262, line 8 of the Report reads as follows :—

'Lastly the Commission should consider the working of the franchise and the constitution of electorates, including the important matter of the retention of communal representation.'

Now, I ask the House, have not the Muslims just cause for alarm and discontent? My lord, I cannot do better than to conclude by quoting the words of the Raja of Mahmudabad which voice the feeling of the Muslims as truly to-day as they did in 1909 when quoted by Your Excellency in the House of Commons :—

'........... I can safely state that the general state of feeling amongst the Muhamadans at the present moment in regard to the question of their rights

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and privileges under the Reform Scheme. but specially in regard to the matter of a separate electorate, is one of utter confusion. They fear, however, that a great wrong is about to be inflicted upon them ; that they are to be treated with an injustice wholly undeserved by them and undreamed of, and they are deeply disappointed. They are not politicians, they do not understand the language of diplomacy, they are a patient, loyal, God-fearing people, who have trusted in solemn pledge given to them by their rulers and who ask for a sign that that pledge is about to be fulfilled.'

My lord, on behalf of the Muslim community I urge that the Muslim demands be satisfied to the fullest extent possible, and that assurance be given to them in clear and unmistakable terms that this will be done. Otherwise I am afraid. with a sullen and discontented Muslim population the vast and bold experiment of responsible Government upon which we are about to embark is doomed to failure. I yield to none in my desire to see the dawn of responsible Government in India. But I know and realise that the path to responsible Government is long and weary and full of dangers and pitfalls. The Reforms, undoubtedly, mark a substantial step towards the goal of responsible Government. but it is long, long way to Delhi هنوز دلي دور است and one is liable to go astray. Let us not deviate from the path of right and justice, lest the words of the Persian poet come true :—

ترسم نرسي بكعبه اي اعرابي   كين ره كه تو ميروي به تركستان است

'I am afraid thou shalt never reach the Mecca of thy destination. O Bedouin, for the way thou wendest leads, not to Mecca but to Turkestan.'"

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My lord, I rise to explain the language of the resolution which stands in my name on this subject. I have stated in clear and unmistakeable language in submitting my opinion to Government that the proposals are a decided and distinctive improvement upon the existing machinery of Government, and we are grateful to the illustrious authors of this scheme. It has been suggested in several quarters that some modifications are necessary. They are necessary no doubt, but at the same time it is to be made clear to the Government that while we accept the proposals we suggest modifications only expressing a hope that there may not be any difficulty in the smooth working of the proposals and it may facilitate the early realisation of responsible government in the near future. It is better no doubt that there should be two resolutions on the subject, and I am grateful to Your Excellency in ruling that there should be one resolution for this and another in which we should suggest the modifications which we think will be necessary as I have just now stated. Doubts are expressed in some quarters that the scheme will not work well, and as stated by the previous speaker, the Moslems are not satisfied with the proposals and they apprehend that their rights and privileges will not be protected. It is to be borne in mind that this is an experimental measure and we must proceed cautiously. The announcement in the House of Commons was that this should be a progressive step towards responsible government in India and in that view the proposals have been submitted ; so that we may gradually demonstrate our ability to manage affairs and that we may gradually succeed in obtaining the privileges which will now be reserved. I do not for a moment think that there will be any deviation and that the Government will not adhere to the principles enunciated in the Report, and I fully believe that they will be worked out in a sympathetic

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spirit to make the experiment a success. When I submitted my resolutions, there were two things uppermost in my mind; one was the reports of the two Committees which have been constituted and upon which much of the success depends, are not known; and the other was: there may be long delay as has been expressed in paragraph 289, in the latter part of which it has been stated that full responsible government will be granted to the Provincial Government first and then a beginning will be made in the Government of India; that is not the question, but there is a natural desire and the natural aspiration of our countrymen that we should be placed on an equal footing with the other Dominions. We are proud of the achievements of India in the battlefield of Mesopotamia and their material contribution in other fields of war at a very great sacrifice, and it is but natural after the demonstration of the loyalty by the people and their participation with full responsibility in the defence of the Empire, we should be granted an equal position which every self-respecting man wishes to enjoy and in that hope we express a hope that there may not be delay, and therefore we suggested modifications. It is not in the spirit that unless these modifications are made we are not prepared to accept anything; we say clearly that it is a distinct advance; but at the same time we say that some further modifications are necessary and we express a hope that the working out of the scheme by the Sub-Committees will be made in the sympathetic spirit in which the proposals have been conceived. It is in that view that while drafting this resolution, I expressed a hope after stating that it is a real advance, that this might be done. The language may be misunderstood in some quarters, and therefore I rise to clear my meaning. In fact, I fully agree with the previous speakers, but I disagree with the speaker who has just spoken before me, that it will not be carried out in the spirit in which it has been conceived, but I hope that our suggestions about the modifications will be received in the spirit in which they are offered."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ, said :—

"My Lord, although I heartily support that portion of the resolution which seeks to record the grateful thanks of this Council to the Right Hon'ble the Secretary of State and His Excellency the Viceroy for the very genuine and earnest endeavours they have made towards liberalizing India's political institutions, I regret, I cannot subscribe to the terms of the resolution in the form in which it now stands before the Council. I agree generally with the remarks that have been made by the Hon'ble Dr. Suhrawardy regarding the Moslems' position in the proposed scheme of reforms, but I go a little further and say that although there has been a genuine effort and the sincerest appreciation of India's political aspirations, there have been reasons why the illustrious authors have not been able to succeed in propounding a scheme not only free from objections, but also free from very serious defects. My Lord, we have got to test the proposals that have been made in the light of the announcement of the 20th of August. We are all agreed that this announcement is one of the most momentous ever made in the history of India's political institutions; inasmuch as it embodies a solemn pledge that responsible government is the final goal of British rule in India. I think that if we are to accept this announcement as the fundamental basis of a scheme of reforms, we cannot go beyond the terms of the announcement itself. Looking to the terms of the announcement, we find that there is also a declaration that substantial steps towards the grant of responsible government should be taken as soon as possible, and it is in pursuance of that declaration that the Right Hon'ble the Secretary of State for India and His

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Excellency the Viceroy have promulgated the present scheme of reforms. If therefore, the present scheme of reforms in the form in which they now stand do really constitute a substantial step towards responsible government I submit there is no reason why a substantial modification should be proposed, because on our own showing they fulfil the very terms of the announcement. In my opinion, once we take up that position, we stultify our own criticisms and from this point of view I beg to submit that the phrase which originally stood in the resolution which was going to be proposed by the Hon'ble Babu Ambika Charan Mazumdar, as regards the limitation to the scheme, should be clearly emphasized. In other words, the phrase that "although the proposals may be defective and imperfect in certain particulars" should be inserted in the resolution. My Lord, so far as the reform schemes are concerned, they have got to be taken with reference to the limitations which the distinguished authors themselves had not failed to recognise. There is the question of the communal representation. There are questions as regards limitations that have got to be placed even when some sort of responsible government is introduced, and I fully endorse the remarks of the Hon'ble Dr. Suhrawardy, that in many instances the distinguished authors have unfortunately and unconsciously it taken away with one hand what they have given with the other. After what has fallen from the Hon'ble Dr. Suhrawardy, I do not think that this Council can endorse the resolution in its present form, without some sort of limitation like the one which was suggested in the original motion of the Hon'ble Babu Ambika Charan Mazumdar. Without taking up the time of the Council, and without going into details, because occasion for a detailed discussion will come when individual resolutions are discussed, I propose that the words even though they may be imperfect or defected in certain respects, be added as was pointed out by Your Excellency. If this is done, I shall give my whole-hearted support to the resolution. If this is not done, I shall deem it my painful duty to oppose the resolution. I do not know how my friends can say that the scheme in its present shape is a genuine and distinct advance towards the realisation of responsible government when it requires 240 resolutions in one provincial Council alone to set matters right. With these few words I beg formally to press that these words may be added to the original motion."

The PRESIDENT said :—

"Does any Hon'ble Member second the amendment ?"

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, I beg to second the motion moved by my hon'ble friend to my left, and I do not think it requires many words from me to recommend it to the Council. I agree in his statement that the very fact that we want so many modifications in the reform proposals show that it is neither perfect nor free from defects, and therefore I think the Council will accept the motion as has been moved by my hon'ble friend.

The PRESIDENT said :—

"To the original motion the following amendment has been moved :—

That the words 'even though they may be imperfect or defective in certain respects,' be added at the end of the resolution."

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Babu Ambika Charan Mazumdar.

A division was taken with the following result :—

Ayes—13.

The Hon'ble Sir Nilratan Sarkar, KT.
" " Mr. J. Mackenzie, O.B.E.
" " " W. H. H. Ardenwood, C.I.E.
" " " Aminur Rahman.
" " " Arun Chandra Singha.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " Rai Mahendra Chandra Mitra, Bahadur.
" " Babu Surendra Nath Ray.
" " Maulvi Abul Kasem.

Noes—19.

The Hon'ble Sir Rajendra Nath Mookerjee K.C.I.E.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. J. W. Hely-Hutchinson.
" " Mr. Provash Chunder Mitter.
" " Babu Siv Narayan Mukherji.
" " Kumar Shib Shekhareswar Ray.
" " Sir Deba Prasad Sarbadhikari, KT. C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Mr. F. W. Carter, C.I.E., C.B.E.
" " Mr. W. E. Crum, O.B.E.
" " " E. B. Eden.
" " " G. A. Bayley.
" " " H. R. A. Irwin, C.I.E.
" " " Altaf Ali
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.
" " Babu Kishori Mohan Chaudhuri.
" " " Ambika Charan Mazumdar.

The following members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Sri Nath Ray Bahadur.
" " Babu Akhil Chandra Datta.

The *ayes* being 13 and the *noes* 19, the motion was accordingly lost.

The resolution was then put in the following modified form and agreed to :—

"This Council is of opinion that the Constitutional Reform proposals laid before this country and the Parliament in England, by His Excellency the Viceroy and the Secretary of State for India, are a genuine effort and a definite advance towards the progressive realization of responsible government in India, and also desires to record and offer its grateful thanks to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India for their Reform proposals."

LIST OF BUSINESS—Items Nos. 3, 4, 5, 7 and 8.

The following resolutions were held to be covered by the debate on the previous resolution as amended and were deemed to be withdrawn :—

By the Hon'ble Raja Hrishikesh Laha :—

This Council records its sense of gratitude to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for the Reform proposals formulated in their joint report, which are in accord with the memorable pronouncement made on behalf of His Majesty's Government in the House of Commons on the 20th of August, 1917, and are calculated to lead, by gradual stages, to the attainment of responsible Government.

By the Hon'ble Babu Ambika Charan Mazumdar :—

This Council is of opinion that the Reform proposals formulated by the Right Hon'ble the Secretary of State and His Excellency the Viceroy, even though they may be imperfect or defective in certain respects, do constitute

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Babu Mahendra Nath Ray; Rai Radha Charan Pal Bahadur; Babu Kishori Mohan Chaudhuri.

a distinct step in advance towards progressive realisation of Responsible Government in India; and it is further of opinion that the Government should adhere to the policy and principle of Responsible Government which have dictated those proposals and give effect to them, with such modifications and improvements as have been urged by the majority of the Indian public. in fulfilment of the memorable declaration of the 20th August, 1917.

By the Hon'ble Babu Mahendra Nath Ray:—

This Council is of opinion that the recommendations made by the Viceroy and the Secretary of State in the Report on Indian Constitutional Reforms constitute a substantial first step towards the progressive realization of Responsible Government in India.

By the Hon'ble Rai Radha Charan Pal Bahadur:—

This Council tenders its grateful acknowledgments to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India for their earnest endeavour to devise a scheme of Constitutional Reforms, such as, in their opinion, would fulfil the terms of the announcement of the 20th August, 1917, and for the deep and sincere sympathy with Indian political aspirations, and the large-hearted statesmanship which they have manifested throughout their report.

By Hon'ble Babu Kishori Mohan Chaudhuri:—

This Council is of opinion that—

(a) the Report on Indian Constitutional Reforms is a genuine effort for improving the existing Government machinery; and

(b) that the scheme, if worked out in a sympathetic spirit with modifications to make it effective and to meet the natural aspirations of the country, will prove a real step towards the realization of responsible Government in India.

The Hon'ble Rai Radha Charan Pal Bahadur, by leave of the President. moved the following resolution, in place of the original resolution* which. stood in his name:—

This Council desires, while welcoming the proposals generally, subject to such modifications as have been urged by the majority of the Indian public, to record its acceptance of the policy of the gradual realization of responsible Government.

He said:—

"My Lord, at the outset I desire to say one or two words with reference to what has fallen from my hon'ble friend Maulvi Fazl-ul-Haq. I believe that I echo the voice of the entire Indian community when I say that we all desire some modification of the scheme as published, but even if there is no modification of the scheme we are not prepared to throw it away. In such a case will the Hon'ble Maulvi Fazl-ul-Haq say 'No, we discard the scheme altogether': that is my question to him. What we want to say to the British people and the British Cabinet is that we welcome the scheme thankfully and whole-heartedly but that we should like to have some modifications

* The original resolution ran as follows:—

This Council welcomes the proposals generally, subject to such modifications as may appear feasible, and accepts the policy of the gradual realization of responsible Government.

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Rai Radha Charan Pal Bahadur.

of the original scheme, but even if that is not granted we are prepared to accept it and that we will continue to urge modifications till they are granted and they are bound to come under the ægis of Britsh rule. That is the position we have taken up.

The Report of His Excellency the Viceroy and the Right Hon'ble the Secretary of State is one of the most thoroughly sincere documents ever placed before the Indian public. It deserves to be read, and re-read, and the more we read it, the more are we struck with the enlightened and generous statesmanship with which every line is instinct. The Report is not simply a blind plea for self-government for India. It contains a review of the past policy of the Government, takes stock of the present situation, of the present limitations and future possibilities. Even a national Government could not have written more frankly about India's political destiny and place in the Empire. I do not claim that the work of Government will in the first instance be done better than if it remained in the sole hands of Government officers. The present Constitutional Reforms have been put forward not for the improvement of administrative efficiency, but with a view to furnish an instrument of political and popular education, and to lead us on in course of time to the realisation of full responsible gov. rnment. The policy hitherto has been to keep the people in perpetual leading strings, and to treat them as if they have no national rights as a political entity. It was left to His Excellency Lord Chelmsford and Mr. Montagu to inaugurate the new era of genuine self-government. To critics who point to the possibility of failures, I would reply in the words of Lord Ripon's resolution on local self-government as follows :—

'At starting, there will doubtless be many failures, calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit upon the practice of self-government itself. If, however, the officers of Government only set themselves to foster sedulously independent political life, if they accept loyally and as their own, the policy enunciated ; and if they come to realise that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the autocratic system it is proposed to supersede, then it may be hoped that the period of failures will be short, and that real and substantial progress will very soon become manifest. If it be said that in some cases the experiments in this direction have not been encouraging, there is reason to fear that previous attempts have been too often overridden and practically crushed by direct though well meant, official interference.'

After all, My Lord, democratic institutions are not altogether exotic in India. It has been said that the East is the parent of municipalities. From the early days of society, the people of this country have been acquainted with forms of local self-government. The village institutions which still survive in many parts of the country are living monuments of the national capacity in this respect. It is true as was observed by Lord Ripon that the people of India are remarkably tolerant of existing facts. The people of no other country are so mild, so patient, so uncomplaining as the people of India. Even the wildest caprice, the most arbitrary conduct and the bitterest antipathy are passed over by them with the coolness of a philosopher or an ascetic. The people of India, however treated, are loyal to the backbone to the powers that be. But the time has arrived when the educated classes of India ought to be allowed a better scope to their advanced thoughts and aspirations. It is England which has educated them, and it is therefore befitting that it should accord to them the rights of educated intelligence. By recognising such rights England will fulfil her mission in the East and Lord Chelmsford and Mr. Montagu are truly representing her in the fulfilment of that mission.

We are frequently reminded that the educated classes are only a handful, and that the vast mass of the population are illiterates. Critics who advance this argument conveniently forget history. I ask how far was England

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educated when the Reform Bill of 1832 was passed; how far was she educated at the time of the passing of the Act of 1867. Only since 1867 which gave household suffrage, has England possessed a system of free and compulsory education. Then again how far was Japan educated when the Samurai renounced power and popular Government was introduced. Our masses may be illiterate, but they cannot be called ignorant. The educated classes are a minority everywhere, but they are not quite so small as the handful of Europeans in whose hands are centered all authority and power. The masses, will I have no doubt, gradually understand and appreciate their new role. It would be contradicting human nature to say that man, intelligent man, will not prefer freedom to fetters in the administration of national affairs. Those who are now in leading strings will be the first to appreciate their freedom when they will see that they are no longer the slaves of the official *huzur*, that as he is a tax-payer, he has the right to say how the tax paid by him is to be disposed of and that the district officer shall not be the perpetual keeper of his conscience. If once this feeling gets root in the popular mind, the people of India will become a new race of men altogether.

My Lord, it was Lord Cornwallis who reduced the chaos of British Indian administration to order by enacting the regulations. It was Lord William Bentinck who first recognised the right of the people of India to serve their country and sovereign in the higher offices of the State and this gave them a share in the practical administration of their fatherland. It was Lord Canning who established a mixed Legislative Council in which non-official members however few in number, were declared to be at liberty to discuss measures of State with the rulers of the land on an equal footing. It was Lord Ripon who accorded to the people of India the Magna Charta of local self-government. Although the Legislative Councils were expanded in the time of Lord Lansdowne it was not until about 16 years later that they were given a certain amount of representative character It was Lord Minto and the illustrious Lord Morley who gave practical and tangible proof of the theory which had too often been overlooked in practice that colour was no bar to the highest offices of the Crown by admitting a coloured man to a share in the executive Government of India. It was Lord Hardinge and Mr. Austen Chamberlian who secured the admission of Indians to the innermost councils of the British Empire. It has now been the proud privilege of His Excellency Lord Chelmsford and the Secretary of State, Mr. Edwin Montagu, to put a coping stone to the edifice by granting to us the first substantial instalment of self-government and to help us to realise by successive stages our political destinies as an integral part of the British Empire. Their names will for ever remain enshrined in our hearts. May they stay long to carry the schemes through and to nurse into a vigorous growth the magnificent experiment connected with our national advancement.

In a large scheme of political reconstruction, accute differences of opinion are inevitable. A section of my countrymen want responsible government all at once, some want larger subjects, while some are content with only a modicum of changes. I do not propose to enumerate all the differences of opinion that divide Indian public men into opposite camps. Suffice it to say that the country as a whole welcomes the measures generally, but legitimately expects some modifications in certain directions. For instance we want that the salary and status of Ministers should be the same as those of members of Executive Councils and that Ministers should be liable to removal on an adverse vote of a substantial majority of the Legislative Council. We want that the list of transferred subjects should embrace a wide field and include all departments which afford the greatest scope for local knowledge and initiative. We want that there should be greater representation of the elected element on the Grand Committees and that resolutions of

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the Council on transferred subjects should be binding. Some of us want that the constitution of the Government of India should be modified on the lines of the Provincial Constitutions. A large section of my countrymen consider that additional members of the Executive Government without portfolios are not necessary, that the proposed Council of State is not required and that there is very little use of a Privy Council for India. There are some of the principal items in regard to which Indian opinion demands a change.

In the discussions of the scheme, much is said about the Home Rule party being opposed to the scheme but on a critical examination it does not seem that there is much difference in the ideals of the Home Rule party and the non-Home Rule party. My Lord, in my view every Indian is and ought to be a Home Ruler. I am myself a Home Ruler, but Home Rulers may agree to differ among themselves as to the measure of our advance to reach the desired goal of full responsible government. I am proud to say that I am a keen aspirant after the political advancement of my country, but I sincerely believe that it is, in our own interests, necessary that we should advance by successive stages, that we should be educated, trained and drilled in the art of government at each stage, so that we may march onward with firm and unfaltering steps to the promised land. This is the difference, My Lord, between me a Home Ruler and my brother Home Rulers. But unfortunately the very words Home Rule stink in the nostrils of some people. A Home Ruler is shunned as a most dangerous, seditious and disloyal element. Time will arrive when this aversion will pass away and the Home Ruler, working with a devotion, energy and patriotism will be recognised as an indispensable factor in gathering up his distracted fellow-countrymen together into one fold of a happy, contented and prosperous self-governing nation under the ægis of England. I feel justified in hoping for such a consummation when I remember how the very name of the Congress was anathema, and how the bare sight of a *swadeshi* rivetted the attention of the C. I. D. Happily a marvellous change of attitude has come over. I hope for a similar change in the attitude of Anglo-Indians towards my educated countrymen, who have the interest of the country at heart, and whatever their differences with individual rulers or the bureaucracy, recognise the value and the necessity of the British connection and long to remain as an integral part of the British Empire.

My Lord, Sir John Hewett said the other day that India is a caste-ridden country and that, under the Reform Scheme, Brahmins will have everything in their own way. I do not know whether the statement refers to Bengal. I cannot speak of any other province, but so far as Bengal is concerned, I may say, that a more untrue statement has never been made. My Lord, I am connected with the political affairs of this country for two generations. Pardon me for my egotism when I say that I bear a name which led the public opinion of Bengal for over a quarter of a century. The bearer of that name was not only the people's representative and the trusted interpreter between the rulers and the ruled and *vice versâ* but also the representative of the territorial aristocracy of the land and he was neither a Brahman nor a Kayastha but belonged to a humble trading caste. Another name which occurs to me, was the name of the late Dr. Mahendra Lal Sarkar, C.I.E. Your lordship is comparatively new to this country; otherwise you would have known that this great man, belonging to the agricultural class, was considered one of the leaders of thought in Bengal. He was one of our foremost public men and the Bengali public never grudged him his leadership. Then there was the Revd. Kali Charan Banerji—a convert who had renounced his caste and community—who led the public opinion of Bengal for very many years, and would have occupied the chair of the Indian National Congress had he not been cut off prematurely from among our midst. There was also the Revd. Dr. K. M. Banerji. He was persecuted when he first turned a Christian, but when the people

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found out the sterling qualities that were in him they chose him to be one of their leaders and he became the President of the Indian Association a public body consisting mainly of middle class and poorer middle class men. I need not multiply instances. These examples will show that so far as the Presidency over which Your Excellency presides is concerned there is no distinction between a Brahmin and a non-Brahmin in public life, and for Sir John Hewett's statement I see no justification in Bengal. Then it has been said with reference to the Indianisation of the public services that Europeans would not submit to medical treatment at the hands of Indian doctors. My Lord, in this connection I am reminded of the late Surgeon-Major Chandra, Dr. Goodeve Chakravarti and others, and how their services used to be in great demand by the European community. I don't know how Sir John Hewett in order to damn the Reform Scheme could make such a statement in the face of these facts. Let it go forth from this Council Chamber and I hope it would reach his ears, that I challenge him to contradict the statement that I make now. It has also been said that the scheme if given effect to would diminish the power and authority of the Civil Service. My Lord, are we to understand that we will always remain hewers of wood and drawers of water for the sake of seven or eight hundred members of the Indian Civil Service. My Lord. pride of race is a noble feeling—it is the mother of great deeds, but when it degenerates into a mere race antipathy it creates mischief. I know there are several members of the Indian Civil Service who can rise to the height of the occasion and can sympathise with our aspirations. I am sure the Indian Civil Service recruited as it is, from that great nation which has held aloft the standard of freedom for centuries, will adapt themselves to the altered circumstances of the time and will not grudge giving up some of the powers, which it has exercised for over a century and a half, to the Indian people who are devoted subjects of the British Crown.

In conclusion, my Lord. I welcome the scheme. I welcome it not because I hold that the bureaucracy cannot serve India any more, but because I believe that the time has come when Indians can, and should be allowed to, govern themselves under the fostering care and guidance of England. The bureaucracy has done splendid work in the past which I gratefully acknowledge, but the bureaucratic system has, as was observed by one of our public men, acted as a dead-weight on the soul of India, and cannot be prolonged without doing irreparable injury to the cause of our national development. It has been said that we lack experience, administrative capacity and the powers of initiative. But, my Lord, if we are ever to remain in our present position as irresponsible critics we will never learn to rely on our own initiative. The scheme furnishes a training ground for Indians in the art of self-government under adequate safeguards. We will learn by experience, and we will emerge stronger and wiser through our mistakes and failures and ere long develop a capacity for larger powers of responsibility in the administration of our own country."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

My lord, the first portion of the resolution which stood against my name, I have given to my hon'ble friend Rai Debender Chunder Ghose Bahadur and the second part to the Hon'ble Rai Radha Charan Pal Bahadur. In connection with the second portion of my resolution which is covered by the resolution just moved before Your Excellency I wished to refer to certain defects of the scheme which have given rise to sharp criticisms among certain sections of my countrymen. To a very few of these vital defects I wish to refer very briefly. My lord, the minister with the transferred subjects included in his portfolio is the most important feature of the whole scheme.

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In fact to my mind it clearly foreshadows the future cabinet form of Government in India Unfortunately, however, it is proposed to make this minister entirely irresponsible to the Legislative Council during the tenure of his office. It is certainly not open to any reasonable objection that the minister will be appointed by the Governor ; for even under the British Constitution the Premier has to be chosen by the Crown, but once he assumes office he at once becomes responsible to Parliament. That, my lord, constitutes the essence of responsible government enjoyed by Great Britain. Of course the illustrious authors of this scheme appear to be fully conscious of this defect and it is therefore proposed to put the responsibility of this irresponsible minister to its test at each general election. In the first place, such an indirect test of responsibility is perhaps not recognised in the constitution of any country which enjoys self-government. In the second place, such a limited and shadowy responsibility over the head of the elected representatives of the people would, it seems to me, defeat the avowed objects of the scheme. would eliminate the very substance of responsible government, would weaken representation and would reduce the Legislative Council to the position of a mere deliberative body without any touch with the real administration, and the worst of all is, my Lord, that such a system will leave the elected representatives of the people exactly in the same position which they now occupy. namely, that of irresponsible critics of the Government without the sense of responsible partnership in the Government, with this difference perhaps that the target of their criticisms will henceforth be shifted from the members of Your Excellency's Executive Government to this newly created minister of your Government.

My Lord, the minister ought to be somewhat responsible to the Legislative Council. As an additional safeguard it may be provided that he shall not be liable to resign his office except by a very substantial majority of votes, say of two-thirds of the members and as a further safeguard it may be provided that he shall not be liable to resign his office except in certain important matters to be determined by the Governor or the President of the Council.

My lord, these safeguards ought to satisfy the most cautious Government. Without some such responsibility the minister, I am afraid, will only add one more irresponsible Indian official in the higher administration of the country. I therefore cannot too strongly urge the necessity of making the minister to some extent responsible to the Legislative Council.

My lord, it is justly proposed to make the electorates as large and as wide as possible and in a country like this where the electorates must be varied and many it would not be at all difficult even for the most unpopular minister, with his official prestige and support at his back, to get himself returned through one of these electorates. Last of all Your Excellency will consider that the hydra-headed mass in no country are ever so much guided by judgment but are led by various extraneous influences, and it would be too much to expect them to form a correct estimate of the work done by the minister after a lapse of five years. Under all these conditions and circumstances I earnestly hope that the great Reform may not be reduced to a disappointing minimum by making the minister entirely irresponsible to the Council.

My lord, as regards the Grand Committee I have been unable to satisfy myself as to the necessity for its introduction. It seems to me that it is going to be a grand nonentity. It will have no vote and it will simply encumber the machinery of the Government. If a difference arises in respect to any matter or Bill or motion referring to a reserved subject, the matter could be referred to the Supreme Government for their decision which should be final. My lord, I am one of those who are in favour of having a division between the reserved and transferred subjects at the very outset. You have

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'Law and Justice' as reserved subjects and I submit that the reservation should be preceded by a complete separation of the Judicial and the Executive functions. The scheme stands emphatically for good Government and I do not know what other measure can be given effect to for the purpose of good government more effectually than this separation. The matter has been before the Council for the last 30 years, and it is a matter of great regret to me that in the report which is now before us the matter has been altogether lost sight of both by the Secretary of State and the Viceroy. There is no mention of it in the scheme.

I find that there is another subject mentioned in the reserved list which is 'Appointment.' If I understand that all the appointments are meant to be reserved, then I submit that a serious injustice will be done to the minister. As regards appointments connected with the departments proposed to be transferred to him, I think he should have a potential voice, otherwise he will only be a more figurehead and his position will be an extremely awkward one.

The next point to which I would draw your attention is the Public Services. It is gratifying to find that it is proposed to increase the percentage of persons in the Public Services recruited in this country, but the report is silent as to the method of their recruitment. I hope and trust it will be by open competitive examination. Unless this is done then the ever-increasing percentage of recruitment in India will be a fruitful source of ever-increasing demoralisation in the public services.

My lord, these are some of the defects to which I draw the attention of the Hon'ble Members though there are other defects too. I believe however that they will be fully considered by the Committee which it is proposed to appoint in this House. However, I need not take the time of the Council any further. I hope and trust that this great experiment which is going to be made will prove success and I also trust that Government will not support any scheme which stands the risk of failure. My lord, I again repeat that it is apprehended that if we make the minister to some extent responsible to the Council the position would be very intolerable. But I do not think that there is any reasonable ground for any such apprehension. A House consisting of not less than 100 members cannot be so perverse as to oppose Government for the mere fun of opposition only. I appeal to Your Excellency to consider for a moment how often have we not in this very House in our present irresponsible position stood divided amongst ourselves, how many motions, resolutions and amendments have we not lost during the last 3 years and did we lose them all because of the loud cry of noes which invariably rises in an unbroken chorus from your right or because some of the left have gone over to the right to divide them? My lord, responsiblity is the strongest safeguard against lightheartedness and Co-partnership—a sovereign remedy for all political distemper. If you make the minister responsible the responsibility will be shared by all the members of the House and I daresay they will never show any vagary or lightheartedness merely for the sake of showing them. At the same time if no responsibility is attached the minister he will stand isolated, and he will be regarded in the same light as the Hon'ble Members of the Executive Council are regarded now. There will be no danger in making him responsible but there are positive dangers in making him irresponsible. With these few words I support the resolution."

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said :—

"My lord, I did not intend to take any further part in the business of this Council to-day but I just want to say a word or two with reference to what has fallen from the Hon'ble Mover. I suppose I am expected to explain

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my position. But before I do that I would like the Hon'ble Rai Radha Charan Pal Bahadur to tell me whether he is going to approve my speech before it is delivered. I do not know what the total number of elected members will be, I do not know what number of seats are going to be given to my community, and before I know all these, before I know that our interests are properly safeguarded, it is impossible to say whether I accept the Reform or not. That is my position. If then he insists on knowing whether I approve of the scheme in its present shape, without the slightest change or modification, I will say 'No'. So far therefore as his question to me is concerned, I answer it with a most unqualified and emphatic negative."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My lord, I have listened to the observations of my hon'ble friend Maulvi Fazl-ul-Haq. The resolution which has been moved by my predecessor the Hon'ble Rai Debender Chunder Ghose Bahadur and the one moved by me are quite two distinct things as I have already explained. I want to ask the Hon'ble Maulvi Fazl-ul-Haq again—though I am sorry he will not have any chance of replying—whether he is prepared to accept the policy laid down in the report by the distinguished authors for the progressive realisation of self-government, whether the items to which we have referred are not acceptable to him and whether if he does not get all of them or some of them, having regard to our present position here, he will be quite content with the continuation of the existing situation. Of course I do not say that there are not defects in the scheme or that it cannot be improved, but I challenge my hon'ble friend to deny that definite steps are clearly laid down in the scheme—steps which if clearly followed will lead us to the goal of self-government. I do not know whether he will deny this fact but if he does, I could only attribute it to prejudice.

The Resolution was then put and agreed to.

The Council was then adjourned for lunch till 2-30 P.M.

AFTER LUNCH.

LIST OF BUSINESS—ITEM No. 9.

The Hon'ble Mr. F. W. Carter moved the following resolution :—

"This Council is of opinion while accepting the ideal of eventual self-government for India, that the present time is not opportune for making changes in the administration of the country."

The Hon'ble RAI DEBENDER CHUNDER GHOSE said :—

My lord, after the acceptance by this House of some of the resolutions this morning, I do not know how the present resolution of the Hon'ble Mr. Carter can be considered by this House."

The PRESIDENT said :—

"The motion of the Hon'ble Member is in order. It does not negative the decision which has already been come to by the Council in respect of the other resolutions. The Hon'ble Mr. Carter in his motion proposes to accept the ideal of self-government for India, but he wishes to record an opinion as to the time at which these steps should be taken; that does not negative anything which has already been decided by the Council."

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Mr. F. W. Carter; The President.

The Hon'ble MR. F. W. CARTER said :—

"My lord, my resolution was framed before the successful completion of the war and the position has therefore changed to a certain extent; that being so with Your Excellency's permission I will withdraw the resolution as it stands, but I should like to say a few words on the question of the time at which these reforms should be brought forward. Although the war is over and does not now fully occupy the attention of the Government of Great Britain, I still think the time is inopportune as the Government of Great Britain will now be entirely occupied with the terms of peace. The war we will all admit has been without precedent and the peace which ends it will be of a character wholly unique. I speak not merely of the infinite number of questions, territorial and otherwise, which will have to be settled with: I have in mind chiefly the fact that this is to be what no other peace has been, a final peace, a permanent settlement of world-wide disputes, a complete chaining up of the forces which drive nations into war. It looks therefore as if the Montagu-Chelmsford Scheme *conceived* amidst the distractions of such a war as the world has never known, is to be *born* amidst the distractions of a peace equally beyond the experience of mankind.

In such circumstances *no* Cabinet can judge it rightly, *no* Cabinet can secure from Parliament a well-considered verdict on the scheme. I content that the reforms cannot be rightly judged now by the *Government* of Great Britain. Moreover, the unseemly haste which is being displayed in appointing the Committees to consider the details under the Reforms does not allow of full consideration being given to such momentous changes in the Government of this country.

I also consider the scheme inopportune because it was not produced in response to any general demand by the peoples of India. It is practically admitted in the report that the proportion of *politically* minded Indians to the total population does not exceed 5 per cent. Moreover, the authors of the report clearly admit that the changes they are introducing are not in response to *even* a minority demand but are due simply to 'the faith that is in us.' It is *this* faith, the report tells us, and *not* any demand, which constrains them to disturb what they describe as 'the placid pathetic contentment of the masses.'

Now, had there been a general and insistent demand for some such scheme as Mr. Montagu and His Excellency Lord Chelmsford have produced, there would have been some excuse for putting forward new constitutional reforms. But there was no such demand; they expressly disclaim having acted in response to *any* demand; they declare that even if the politically minded classes were 20 per cent. of the total population, instead of only about 5 per cent., that would not have counted with them. What justification, therefore, is there for the hasty introduction of these reforms?

The people in general do not demand them and the British Parliament cannot, under existing circumstances, judge them. The authors of the scheme are the two highest representatives of the British authorities in India and therefore all criticism in regard to them must be done away with. Much of what I have said may not be pleasing to the ears of my Indian friends. We are in favour of progressive reforms. We fully realise the natural aspirations of Indians to take a large part in the government of the country. Put the discussion of those reforms off for a year and we are ready to listen to any proposal that may be brought forward. We are not narrow-minded as my hon'ble friend Rai Debender Chunder Ghose Bahadur has said."

The PRESIDENT said : "Do I understand that the Hon'ble mover is asking or permission to withdraw his resolution?"

Resolutions.

Mr. Carter; The President; Rai Radha Charan Pal Bahadur; Sir Deba Prasad Sarbadhikari.

The Hon'ble MR. CARTER said: "Yes, my lord."

The PRESIDENT: "Is it your pleasure that the resolution be withdrawn?"

The Hon'ble RAI RADHA CHARAN PAL BAHADUR at first objected to the resolution being withdrawn, but on reconsideration withdrew his objection.

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI moved the following resolution:—

"This Council is of opinion that a Committee consisting of its non-official members should be appointed to consider the Reform proposals and submit their report thereon to the Government of Bengal at an early date."

He said: "My lord, after Your Excellency's opening remarks this morning and in view of some of the difficulties that Your Excellency pointed out, I was inclined to think that it would perhaps be best for me to withdraw this motion and to let the consideration of the 240 resolutions go on in Council. This morning's experience, however, has made me change my mind; and with Your Excellency's permission I propose to move the motion standing in my name.

My lord, there are on the business paper two other motions in similar terms. We had not had an opportunity of consulting one another, and yet three members independently thought that a matter like this is best considered in Committee. I am not acting without precedent. Such a procedure was followed with marked success in the Supreme Council and I am sure that if the Council adopts my motion there will be considerable economy of time and much needless heat will be spared. Of course as Your Excellency has pointed out, the authority of the Council is supreme and after we have done Committee work, all that would be necessary is for the report to go before the Council to be confirmed and forwarded to the proper quarter. Owing to Your Excellency's kindness we have had this debate adjourned longer than has been possible in the other Provinces. This delay had its advantages and probably its disadvantages also. But one advantage that can be claimed for the situation is that much—almost all that could be said on one side or the other—has been said in the Press, on the platform, here and in England, in Parliament and in the different Councils here, Imperial and Provincial, in the Congress and in the Conference at Bombay and various other Conferences that we have had over this question all over the country among different communities. There is hardly therefore much scope for a debate—far less a lengthy and acrimonious debate—such as is bound to be attendant upon the consideration of the question in full Council when there is so much difference of opinion. In Committees, my experience tells me—and that must be the experience of others—we get on much sooner and much more pleasantly round the table, away from limelight than in Council. If that is so, and having regard to what Your Excellency has pointed out, the overlapping nature of some of the resolutions, and the possibility of treating others as amendments would enable us to finish our work much quicker. Possibly we shall be spared some demonstrations, I shall not call of temper, but of indiscretion, of which we have had illustrations this morning—questionings and cross-questionings across the floor of this Council do not advance the deliberations such as those in which we are engaged. However

Resolutions.

Rai Radha Charan Pal Bahadur; Babu Mahendra Nath Ray; The President.

fitting and necessary they may be deemed outside the Council they are useless and gratuitous in Council. Ours is not propaganda but consultative work. All that need be done in Committee is to enanciate the contending propositions and quietly to take the opinions of the members or to take their votes and formulate a business-like report amidst serene peace environments. We have all sent our individual opinions to the Government as Members of Council, to be forwarded to the authorities, and the resolutions of this council obtained in the way I indicate will be before the authorities; they must be put as majority resolutions as happened this morning, as we cannot expect to be unanimous with regard to all of them. Having regard to these circumstances, my lord, I should like to move that the Committee that I propose be appointed with instructions to submit an early report."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My lord, my motion stands on the same lines as those of my friend the Hon'ble Sir Deba Prasad Sarbadhikari. The difficulty was this, my lord, that during the Puja time we were scattered in different places and therefore could not meet and come to a definite understanding as regards the resolutions to be moved, and that is why Your Excellency has before this Council 240 motions on the different items. I support the motion which is practically the same as mine to appoint a Committee of non-official members. In the Committee long speeches will be avoided, and as we have all got our views already settled one way or the other, we shall probably be able to submit a joint report even if there be some dissentients on some points. For these reasons I support this resolution and I do hope that our hon'ble colleagues of the European committee will cordially join and help us in drawing up a unanimous report for the consideration of the authorities. That will have a very marked effect on the country at the present moment as showing their practical sympathy with our aspirations to attain the goal of self-government within the Empire."

The Hon'ble BABU MAHENDRA NATH RAY said :—

"My lord, as I understand the motion the report of the Committee is to be submitted to the Government of Bengal and not to this Council. I think I am right in this view."

The PRESIDENT said :—

"As the Hon'ble Mr. Ray has pointed out that is the form of the motion before the Council."

The Hon'ble BABU MAHENDRA NATH RAY said :—

"I do not know, my lord, whether this is in order, but perhaps in order to save time it would be better if the Committee were permitted to submit their report direct to the Government of Bengal. I do not know however whether this is in order and whether the report of a Committee of this House can be submitted directly to the Government of Bengal."

The PRESIDENT said :—

"I see no objection to that under the particular circumstances under which we are meeting now. This is not exactly a meeting of the Bengal Legislative Council in the ordinary sense, because I have asked the official members to take no part in the proceedings. Under the circumstances I see no objection if it is the desire of the non-official members to submit their report to Government instead of to the Council."

Resolutions.

Babu Kishori Mohan Chaudhari; Babu Ambika Charan Mazumdar; Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble BABU KISHORI MOHAN CHAUDHARI said :—

"My lord, I support the motion moved by my hon'ble friend. When I submitted my resolution it struck me whether I should state that the report should be submitted to this Council or to the Government of Bengal. Without saying anything I simply said 'to make their recommendations' in whatever shape it may be thought convenient. As Your Excellency has observed that is the real form—that the recommendations should be submitted to the Government of Bengal; and though my friend suggests that they may be put up before this Council again for confirmation, I think if all the non-official members form a Committee and make their recommendations they may be submitted to Your Excellency and then dealt with and submitted to the Government of India as Your Excellency thinks fit and proper. I support the motion as it would be convenient to deal with the recommendations in the Committee—probably no lengthy discussions will be necessary there, and that will be the more convenient form of dealing with the subject."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My lord, I have welcomed the proposals though I have suggested a few modifications. I have suggested the modifications because I welcome the proposals and I welcome the proposals because I consider them to be susceptible of modification and gradual improvement. The motion which has been brought forward by Sir Deba Prasad Sarbadhikari has my fullest support for the very reason which Your Excellency pointed out at the opening of this Council. The question raised by my hon'ble friend to the right was to clear up whether the recommendations of the Committee will again come up before this Council for discussion. If that is to be so I do not see any use whatever of going into Committee. It will bring us again into the same troublesome discussion which we want to avoid at this Council. I think that if a Committee is formed and the whole House of non-official members go into it they will have their suggestions there and the suggestions embodied in the report by the majority ought to be sufficient for the purpose of explaining our views before Government. I do not think it will be necessary and I think it would be positively harmful if after the recommendation is made we have to discuss it again in this Council. It will make confusion worse confounded. I heartily support the motion made by Sir Deba Prasad Sarbadhikari that it should go into Committee and the Committee submit their recommendation to Your Excellency's Government and Your Excellency's Government will forward it to the Government of India and that I think is the proper procedure and in that view I heartily accept the motion which has been moved by my hon'ble friend."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My lord, I heartily support the motion which has been made. I consider it necessary that the non-official members should sit together and discuss the various modifications which are in their minds and to be in a position to submit a representation to Government. We have already submitted our individual opinions on the various points that have been raised, and it would be far better if, by the light of the representations which we have individually put forward, we also jointly discuss the various questions at issue. It will be very convenient if this procedure be accepted by the non-official members, both Indians and Europeans, and to come to a conclusion which will be satisfactory to all. To my mind, this procedure is a simpler one; to discuss the various resolutions which have been brought forward before the Council will

Resolutions.

Mr. Crum; Mr. P. C. Mitter; Sir Deba Prasad Sarbadhikari; The President.

entail much time; but at the same time, if that procedure be adopted, we think that we will not be in a position to come to a satisfactory conclusion. In that view of the matter, I do support the motion which has been moved."

The Hon'ble MR. CRUM said :—

"My lord, when I came to this Council this morning I had a talk with the proposer on the question of the proposed Committee and I told him that it was my intention to oppose this motion. After this morning's debate I have however changed my mind, and I agree now that probably the most expeditious way of getting through the business would be to accept his motion. But I accept it with a proviso, and that proviso is very important. I understand Sir Deba Prasad to say that he proposes that the 'majority' report should come before the Council and be submitted to Your Excellency. Now, one advantage of discussing subjects in public, as we have been doing this morning, is that the views of the minority are also made public. If, as he suggests, the majority report is to be sent either to Government or to Council, as a report of the Committee, then I am not certainly prepared to accept the resolution, and I think that this will affect not only the position of my community which is in the minority, but also possibly all other communities which are in the minority. What I propose is that the House do go into Committee as is suggested; but not only the majority report be submitted, but that if any gentlemen wish to submit either separately or in agreement as bodies minority reports, they could be allowed to do so and these minority reports should really carry as much weight as the majority reports as representing the views of those particular communities."

The Hon'ble MR. P. C. MITTER said :—

"My lord, as the Hon'ble Sir Deba Prasad Sarbadhikari has framed his resolution it says that a Committee of the non-official members of this Council be appointed to consider the Reform proposals and submit their report to the Government of Bengal at an early date. Therefore so far as the resolution goes, he does not intend that merely the majority report should go in. No doubt in his speech he said that the majority report should go in. I entirely agree with the Hon'ble Mr. Crum that it is only proper that the majority report as well as the minority report, if any, should be sent in, and I do hope and trust that the Hon'ble Mover will accept this suggestion."

The Hon'ble SIR DEBA PRASAD SARBADHIKARI said :—

"My lord, nothing was further from my mind than to exclude the minority report. When one talks of majority report, the minority report is always there. My resolution does not exclude minority reports being forwarded, and I fully appreciate what the Hon'ble Mr. Crum has said and I cordially accept his suggestion."

The resolution was then put and agreed.

The PRESIDENT said :—

"Under these circumstances the Council will now resolve itself into a Committee of non-official members. The Hon'ble the Vice-President of the Council will be glad, as soon as I leave the chair, to take my place informally.

Resolutions.

Babu Ambika Charan Mazumdar ; The President.

Adjournment.

in case Hon'ble Members desire the assistance of Government before they start their deliberations. I shall also ask the Legislative Department and their staff to remain at the service of the Committee. It will be for the Committee to elect or nominate their own Chairman, and for the Committee to decide the hours at which they should sit. So far as the Government is concerned, there is no objection to the Committee commencing their sitting in this Chamber forthwith, and if the Committee desire the use of this Chamber on future days, they are at liberty to have it."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"Will your Excellency fix a date within which the report should be submitted ?"

The PRESIDENT said :—

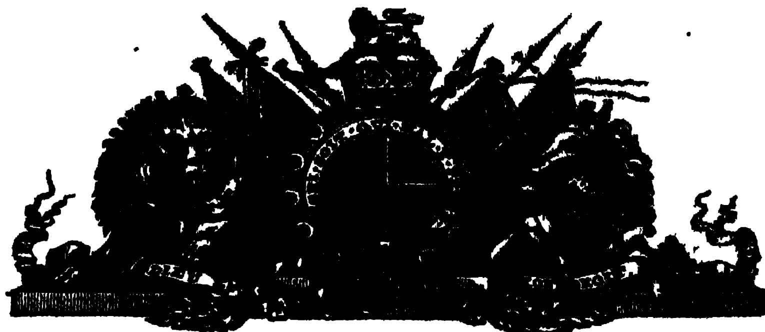
"I think it would be preferable if the Committee would fix their own date, and they are at liberty to do so."

ADJOURNMENT.

The Council was then adjourned.

A. M. HUTCHISON,
Secretary to the Government of Bengal and
Secretary to the Bengal Legislative Council (offg.).

CALCUTTA ;
The 26th November, 1918.



The Calcutta Gazette

WEDNESDAY, DECEMBER 11, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Tuesday, the 26th November, 1918, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MAJOR-GENL. W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. MCALPIN.
The Hon'ble MR. F. A. A. COWLEY.
The Hon'ble MR. W. C. WORDSWORTH.
The Hon'ble MR. C. F. PAYNE.
The Hon'ble MR. S. G. HART.
The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.
The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.
The Hon'ble MR. J. MACKENZIE, O.B.E.
The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.
The Hon'ble MR. AMINUR RAHAMAN.
The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.
The Hon'ble MR. J. W. HELY-HUTCHINSON.
The Hon'ble MR. PROVASH CHUNDER MITTER.
The Hon'ble BABU SIV NARAYAN MUKHARJI.
The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.
The Hon'ble MR. ARUN CHANDRA SINGHA
The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.
The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.
The Hon'ble RAI RADHA CHARAN PAL BAHADUR.
The Hon'ble MR. F. W. CARTER, C.I.E., C.B.E.
The Hon'ble MR. W. E. CRUM, O.B.E.
The Hon'ble MR. E. B. EDEN.
The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.
The Hon'ble MAULVI ABUL KASEM.
The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.
The Hon'ble MAULVI A. K. FAZL-UL-HAQ.
The Hon'ble KHAN SAHIB AMAN ALI.
The Hon'ble BABU BHABENDRA CHANDRA RAY.
The Hon'ble MR. ALTAF ALI.
The Hon'ble RAI SRI NATH RAY BAHADUR.
The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.
The Hon'ble BABU SURENDRA NATH RAY.
The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.
The Hon'ble BABU KISHORI MOHAN CHAUDHURI.
The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

LIST OF BUSINESS.—Item No. 1.

Oath or Affirmation of Allegiance.

I. The Hon'ble MR. H. P. DUVAL, the Hon'ble MR. M. C. MCALPIN and the Hon'ble MR. S. G. HART, made an oath or affirmation of their allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTIONS.

The following questions which had been starred were put and answered :—

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

*1.

Will the Government be pleased to state what steps, if any, have been taken under the provisions of section 199 of the Bengal Municipal Act, 1884, by the municipalities in the districts of the 24-Parganas, Hooghly and Howrah in which there is no supply of filtered water within the municipal area ? Non-supply of filtered water within certain municipal areas.

Answer by the Hon'ble MR. O'MALLEY :—

"A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. 1 (starred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR, *at the Council Meeting of the 26th November, 1918, showing the provision made for the supply of drinking water under section 199 of the Bengal Municipal Act in municipalities having no filtered water supply.*

Name of District.	Name of Municipalities	Number of reserved tanks.	Number of reserved wells.	REMARKS.
24-Parganas ...	Barnagore ...	Nil	Nil	It is reported that the Municipality will soon have a filtered water-supply.
	Kamarhati ..	Nil	Nil	Filtered water is purchased from the Cossipore-Chitpur Municipality.
	Rajpur ...	2	4	
	Baruipur ...	2	6	
	Jaynagar ...	Nil	Nil	
	North Dum Dum ...	Nil	Nil	
	South Barrackpore ...	8	Nil	
	Barrackpore ...	Nil	Nil	
	Panihati ...	Nil	Nil	Steps are being taken for sinking 2 Norton's wells.
	North Barrackpore ...	3	1	
	Baraset ...	2	Nil	The Municipality has also got a Lorrymore boiler for supplying boiled drinking water to the rate-payers.
	Halisahar ...	Nil	Nil	
	Gobardanga ...	1	Nil	Another tank is being excavated.
	Basirhat ...	7	Nil	
	Baduria ...	Nil	Nil	
	Taki	Nil	Nil	
	Budge Budge ..	6	Nil	There are also 2 private tanks for drinking purposes under municipal care.
Hooghly ...	Bansberia ...	Nil	Nil	It is reported that most of the inhabitants get filtered water from the local jute mills
	Bhadreswar ...	Nil	Nil	
	Champdany ...	Nil	Nil	
	Baidyabati ...	Nil	3	
	Rishra-Konnagore ...	Nil	Nil	
	Kotrung ...	Nil	Nil	
	Arambagh ...	Nil	14	
Howrah ...	Bally	Nil	1	One well has been provided by the Victoria Cotton Mills for the use of the general public. The Bally Jute Mills, Ltd., have extended their filtered-water supply by means of hydrants to a part of the municipality.

By the Hon'ble BABU AMBIKA CHARAN MAZUMDAR :—

*2

Head-quarters station on the proposed Dhanbari sub-division

(a) Have the Government received a representation from the people of North Tangail objecting to the election of Dhanbari as the head-quarters station of the new sub-division proposed for that area? If so, are the facts stated therein as regards the comparative advantages and disadvantages of Pingna and Dhanbari substantially correct?.

(b) Have the Government finally decided to make Dhanbari the head-quarters station of the proposed sub-division? If so, upon what grounds?

Answer by the Hon'ble MR. KERR :—

" (a) The representation, which takes no account of the relative positions of the two places within the sub-division, has been received and considered, and Government still adhere to the view that Dhanbari is better suited to be the head-quarters than any other site which has been proposed, including Pingna

(b) Yes The Hon'ble Member is referred to paragraph 9 of the memorandum published on the 16th August, 1917, and to the answer given on the 19th August last to a question asked in this Council by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri "

By the Hon'ble BABU AMBIKA CHARAN MAZUMDAR .—

*3.

Timber merchants of Jalpaiguri district.

(a) How many timber merchants are there at Rajabhatkhawa and other places in the district of Jalpaiguri carrying on timber business with the Forest Department; and how long have they been carrying on such business?

(b) Is the timber annually sold direct by the Department by public auction to the higest bidder? If so, how long has this practice been in force?

(c) Is it proposed to supersede this system by farming out the forests either annually or for a term of years to middlemen who will thus stand between the Department and the merchants, who are the actual buyers and dealers in timber?

(d) If so, are the Government considering the desirability of inquiring whether such a change in the system is, or is not, likely to result in loss both to the Government as well as to the merchants who have so far invested large sums of money in this business?

Answer by the Hon'ble MR MCALPIN :—

" (a) The exact number cannot be ascertained, but a very considerable number of timber merchants living at Rajabhatkhawa and other places in the district of Jalpaiguri attend auction sales held by the Forest Department for the sale of timber.

(b) Yes. The practice has been in force for 6 or 7 years.

(c) and (d) No. Government do not intend to initiate any system of sale which would be likely to prejudice the interests of Government or of the established traders."

UNSTARRED QUESTIONS.

(*Answers to which were laid on the table*).

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

I.

The Ma...... High English School.

(*a*) Is it a fact that, by certain conditions laid down by Government for the continuance of the grant-in-aid, the public of Manikganj have been deprived of the privilege of having a few elected representatives of their own on the managing committee of the Manikganj High English School?

(*b*) If so, what are the circumstances that led to the imposition of the said conditions?

(*c*) Will the Government be pleased to lay on the table all correspondence between the District Magistrate of Dacca and the Director of Public Instruction on the question of the grant-in-aid to the Manikganj High English School and the new constitution of its managing committee?

(*d*) How long has the said school enjoyed the grant-in-aid, and at what rates?

(*e*) How many high English schools at present enjoy the grant-in-aid and in how many of them does the constitution of the managing committee not admit any elected representatives of the public as members thereof, as in the case of the Manikganj school; and for what reasons in each such case?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) The previous managing committee consisted of the Sub-divisional Officer, the Deputy Superintendent of Police, the senior Munsif, the Headmaster, a teachers' representative and five elected non-officials. There was a vacancy in 1917 owing to the resignation of one of the non-official members. On the expiry of the term of office of this committee, the Director of Public Instruction approved of its being re-constituted so as to include the Sub-divisional Officer, the Deputy Superintendent of Police, the senior Munsif, the Deputy Inspector of Schools, the Headmaster, a representative of the teachers, and four non-officials to be chosen by the District Magistrate. It was at the same time laid down that the continuance of the grant-in-aid would be conditional on the acceptance by the school authorities of a committee so reconstituted. The reconstitution was accepted by a majority of the old managing committee in April 1918.

(*b*) The Hon'ble Member is referred to the reply to clause (*a*) of unstarred question No. XII.

(*c*) Government are not prepared to lay the correspondence on the table.

(*d*) It is understood that the school has drawn a grant-in-aid since it became a high school in 1884, but figures for the last century are not available. The school has drawn a grant-in-aid at the following rates during the present century :—

	Per mensem. Rs.
1901-02	40
1903-06	35
1906-08*	...
1908-10	110
1911	130
1912-14	120
1915-17	150+15 for medical supervision.

* Figures are not available.

(*e*) The number is 244. There are two schools of which the managing committees do not contain elected representatives of the public. In one case there is a committee drawn from the family of the founders, proprietors and managers of the school; it is considered to be in the interest of the school to have a committee so constituted. In the other case there was a dispute between two sections of the managers of the schools, and representatives of all parties requested the District Magistrate to appoint the members of the managing committee."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

II.

Managing committees of aided schools.

Will the Government be pleased to state—

(*a*) the reasons for promulgating a new set of grant-in-aid rules and introducing certain provisions therein laying down a rigid constitution for the managing committees of aided schools and generally making for an increased amount of control by the District Magistrates over the management of schools;

(*b*) whether recognized public bodies, or any non-official educationist or the school committees themselves were consulted in the matter before the promulgation of the said rules;

(*c*) how many managing committees have been reconstituted in accordance therewith, in what particular school, and in what manner, since the promulgation of the said rules;

(*d*) whether the said rules permit the Director of Public Instruction or the District Magistrate to dispense wholly with the election of representatives of the public as members of the managing committee of any school, and substitute nominated members therefor? If so, what are the circumstances in which such a step may be taken;

(*e*) whether the constitution of any managing committee has been altered in the manner indicated above, and the right of the public or subscribers to the school or guardians of the boys to elect their representatives on the managing committee taken away? If so, where and for what reasons; and

(*f*) whether any representation has been made against such a step in regard to any such school? If so, what is the purport of each such representation and by whom has it been submitted, and what, if any, action has been taken thereon?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) There were formerly different sets of grant-in-aid rules for West Bengal and Eastern Bengal, and, as it was necessary to co-ordinate them and establish uniformity, a new set of rules was approved by Government in February, 1918. The rules regarding the constitution of managing committees, to which the Hon'ble Member refers, were intended to secure the association of the District Officer with the management of secondary aided schools in his district, as well as to ensure the representation of the teaching staff, of parents and guardians of pupils and of founders and benefactors.

(*b*) The draft rules were circulated for opinion to Commissioners of Divisions and Inspectors of Schools. Full information as to the bodies and persons consulted by them is not available, but it appears that some District Boards, municipalities, secretaries to managing committees and non-official educationists were consulted.

(c) The rules in question were revised in September 1918. Up to date of revision, the managing committees of the following 29 schools are reported to have been constituted in accordance with their provisions, viz:—

Dacca.

Brahmanbhita Union Institution.

Mymensingh.

Barhatta High School.

Faridpur.

(1) Ishan Institution.
(2) Lonsingh High School.

Calcutta.

(1) Kalighat Middle English School.
(2) Charakdanga Middle English School.
(3) Baniapukur Junior Madrasah.

24-Parganas.

(1) Gobardanga High English School.
(2) Sodepur High English School.
(3) Naihati High English School.
(4) Sarisha High English School.
(5) Khantura Middle English School.
(6) Punra Middle English School.
(7) Manirampur Middle English School.
(8) Tollyganj Middle English School.
(9) Mohanpur Middle English School.
(10) Govindapur Middle English School.

Nadia.

(1) Sudhakarpur High English School.
(2) Mirpur Middle English School.
(3) Talberia Middle English School.
(4) Bagberia Junior Madrasah.

Murshidabad.

(1) Dumkol High English School.
(2) Hilora Middle English School.

Jessore.

(1) Maheshpur High English School.
(2) Sailkupa Middle English School.
(3) Mirzapur Middle English School.

Khulna.

(1) Bagerhat High English School.
(2) Raruli High English School.
(3) Kazdia Junior Madrasah.

(d) A copy of the rules is laid on the table.

(e) The Hon'ble Member is referred to the answer to unstarred question No. XII on the subject of the Manikganj High School.

(f) No representation has been received by Government or the Director of Public Instruction."

Rules referred to in the answer by the Hon'ble MR. O'MALLEY *to Question No. II (unstarred) asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY *at the Council Meeting of the 26th November, 1918.*

RULES FOR MANAGING COMMITTEES.

1. The management of every aided school shall, unless specially excepted by the Director, be in the hands of a Managing Committee. The Secretary of this Committee will be the corresponding agent of the school recognized by the department.

2. The minimum number of members of the Managing Committee should be 6 and the maximum 10, including the President and the Secretary. The Managing Committee unless, specially excepted by the Director, should include the following members:—

(1) The President, who should be either the District Magistrate or some other person appointed by him.
(2) The Headmaster of the school.
(3) A representative of the teaching staff who should be nominated by the staff.
(4) & (5) Two members representative of the parents and guardians of the pupils of the school.
(6) One or more representatives of the founders or benefactors of the school.

NOTE.—The District Magistrate shall, if possible, himself take the office of President of aided high schools at district headquarters. In other cases and when the District Magistrate is unable, owing to pressure of work, to take the office of President of an aided high school, he shall appoint the President.

3. Arrangements shall be made for the election of the representative members by such methods as may appear suitable. The constitution of the Committee shall be subject to the approval of the District Magistrate. The members of the Committee should elect a Vice-President and a Secretary, and the election shall also be subject to the approval of the District Magistrate.

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

III.

...spects of ...ccessful ...dents of the ...ampore ...aving ...titute.

(*a*) What are the prospects of employment of boys who pass out of the Serampore Weaving Institute?

(*b*) Will the Government be pleased to state the number of boys who have passed from the higher and artisan classes of the Institute, respectively, during the last 5 years, and how they are employed at present?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) and (*b*)—Statements are laid on the table showing the number of students who have passed out of the artisan classes and the higher classes of the Serampore Weaving Institute, and how they are employed. The figures appear to show that the ex-students' prospects of finding employment are good."

Statement referred to in the answer by the HON'BLE MR. O'MALLEY *to question No. III (unstarred) asked by the* HON'BLE BABU BHABENDRA CHANDRA RAY *at the Council meeting of the 26th November, 1918 showing the number of students passed out of the Higher classes of the Government Weaving Institute, Serampore, for the last 5 years, and how they are employed.*

Nature of employment obtained.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.
Mills	1	...	1	6	2
Weaving demonstrators ...	5	5	...	2	...
Handloom factories	1	2	4	1	...
Textile Overseer in jails ...	1	...	...	1	...
Supervisors in the Co-operative Department.	...	1	1	...	2
Piece-goods trade	...	...	2	...	2
Proprietors of hand-loom weaving factories.	1	...	...	2	...
Miscellaneous	...	...	3	1	2
Unemployed	...	...	...	2	6
Total number passed ...	9	8	11	15	14

Statement referred to in the answer by the HON'BLE MR. O'MALLEY *to question No. III (unstarred) asked by the* HON'BLE BABU. BHABENDRA CHANDRA RAY *at the Council meeting of the 26th November, 1918, showing the number of students passed out of the Artisan class of the Government Weaving Institute, Serampore, for the last 5 years, and how they are employed.*

Nature of employment obtained.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18
Earning their livelihood by weaving on fly-shuttle looms.	47	35	35	60	51
Employed as village teachers	1	0	2	2	2
Employed in mills	1	0	2	1	3
Unemployed, or employment not known.	6	2	4	2	4
Total number passed ...	55	37	43	65	60

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

IV.

Mode of call for tenders by certain offices.

(*a*) Will the Government be pleased to state whether the Divisional offices of the Public Works Department and the District Boards and Municipalities generally confine their call for tenders to a limited number of contractors?

(*b*) Is there any practice for them anywhere to call for tenders in every matter by advertising in the newspapers or otherwise?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) and (*b*) So far as the Public Works Department is concerned tenders for all large and important works are invited by advertisement in the press and by notices posted in suitable public places. Several Divisions maintain lists of known and tried capable contractors who are invited to submit tenders for less important works which are not expected to attract contractors living at a distance. In the case of petty works and repairs the contractors usually employed in the Division are either invited to compete by tender or the works are distributed amongst them, as the majority of the contractors willing to take up petty works and repairs are not sufficiently educated to frame tenders, but are capable of satisfactorily carrying out works at the rates prevalent in the locality.

As regards local bodies the practice is not uniform. As a rule the call for tenders is not confined to a limited number of contractors but is open to all, but in a few District Boards and a number of municipalities the call for tenders is confined to registered contractors : it is also not uncommon for local bodies to offer contracts for petty works to local contractors only.

Tenders are advertised in the newspapers only in the case of large and costly works and the general practice is for notices to be posted in public offices and conspicuous places and sent to contractors and to have announcements made by beat of drum."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

V.

Unsatisfactory state of finance of District Boards.

(*a*) With regard to the decrease in the closing balance of District Boards, and their increasing expenditure, referred to by Government in the last Report on the working of District Boards, have the Government made any reference on the subject to the Government of India?

(*b*) Will the Government be pleased to make a statement showing the prescribed minimum balance of each District Board, as compared with the actual balance of the last two years?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) The reply is in the negative.

(*b*) A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question* [illegible] *at the Council Meeting of the 26th November, 1918* :—

Name of District Board.	Actual balance.		Minimum balance fixed by Commissioner.	
	1916-17.	1917-18.	1916-17.	1917-18.
	Rs.	Rs.	Rs.	Rs.
Burdwan	3,06,565	3,67,566	24,524	25,824
Birbhum	29,781	38,089	5,630	11,490
Bankura	9,924	28,991	6,344	6,600
Midnapore	2,23,659	1,68,422	45,157	44,814
Hooghly	53,286	74,118	11,819	12,762
Howrah	25,252	40,062	18,511	19,164
24-Parganas	3,42,086	3,12,355	30,000	26,000
Nadia	9,286	28,614	12,000	12,000
Murshidabad	59,278	32,997	15,000	15,000
Jessore	52,237	54,409	13,000	13,000
Khulna	24,059	35,608	11,000	11,000
Dacca	34,671	36,040	49,165	51,113
Mymensingh	1,47,461	1,53,052	50,000	50,000
Faridpur	10,406	32,542	33,419	39,223
Bakarganj	69,462	41,895	64,701	67,655
Chittagong	25,520	49,018	21,000	21,000
Tippera	1,09,450	1,55,864	10,000	10,000
Noakhali	92,039	1,15,000	12,000	12,000
Rajshahi	70,669	18,360	13,084	13,290
Dinajpur	43,173	28,893	15,148	14,404
Jalpaiguri	1,19,142	65,901	14,421	14,164
Rangpur	8,282	5,110	21,322	19,787
Bogra	28,741	24,786	7,771	7,819
Pabna	71,127	74,208	10,485	9,625
Malda	40,346	26,712	6,713	7,227

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

VI.

(*a*) Will the Government be pleased to state whether, in pursuance of the assurance given by the Hon'ble Mr. Kerr at the meeting of this Council held on the 14th March, 1918, the proposals of this Government regarding the improvement in the pay and prospects of the Provincial Judicial Service have been submitted to the Government of India after consultation with the High Court? If so, when? Pay and prospects of the Provincial Judicial Service.

(*b*) If not, will the Government be pleased to state the reasons for the delay, and also to state what steps have been, or are being, taken for the speedy submission of the said proposals to the Government of India?

Answer by the Hon'ble MR. KERR :—

"The High Court were consulted on the subject on the 23rd March and replied on the 5th September. The matter is at present under examination by the local Government."

"I may also refer the Hon'ble Member to the Resolution which appeared in last week's *Calcutta Gazette*."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

VII.

(*a*) Is it a fact that Mr. J. D. Cargill, I.C.S., has been the District and Sessions Judge of Mymensingh for over seven years? Questions about Mr. J. D. Cargill.

(*b*) What other Judges have been in charge of a district for such a long period during recent times?

(*c*) Is it the usual practice to keep a Judicial or Executive officer in charge of any particular district for such a long time? If not, why has a deviation been made in the case of Mr. Cargill?

Answer by the Hon'ble MR. KERR :—

"(*a*) Yes.

(*b*) Six years, approximately, is the longest that any other Judge has been at his present station.

(*c*) The general policy of Government is to make transfers only when they are necessary in the interests of the public service. The unusual conditions arising out of the war, which have restricted the grant of leave, have tended to protract the term of individual tenures of particular appointments."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

VIII.

(*a*) Are the Government aware that a leading pleader and public man of Mymensingh complained of the mode of work of Mr. Cargill before the Public Services Commission? Complaint against Mr. Cargill before the Public Services Commission.

(*b*) If the answer is in the affirmative—

(*i*) did the Government make any inquiries into the matter;

(*ii*) was there any foundation for the complaint; and

(*iii*) if there was, have the grounds of complaint been since removed?

Answer by the Hon'ble MR. KERR :—

"(*a*) No.

(*b*) The question does not arise."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

IX.

Number of sessions cases disposed of by Mr. Cargill and his predecessors, etc.

(*a*) Will the Government be pleased to state the number of sessions cases, criminal appeals (other than jail appeals), and contested civil appeals that were disposed of by Mr. Cargill himself during the last two years?

(*b*) Will the Government be also pleased to lay on the table the number of similar cases disposed of by Mr. Cargill's predecessor in office during the last two years of the latter's incumbency?

(*c*) (*i*) On how many occasions did other Judges officiate for Mr. Cargill, and for what periods?

(*ii*) How many such cases were disposed of by them during the respective periods they held office?

Answer by the Hon'ble MR DUVAL :—

" (*a*) and (*b*) Government have not the information from which the figures can be supplied.

(*c*) (*i*) 4 times, *i.e.*, 21 days in 1913.
1 month 10 days in 1915.
1 month 9 days in 1916.
1 month 4 days in 1917.

(*ii*) Government have not the information from which the figures can be supplied."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

X.

Chaukidari assessment.

(*a*) Will the Government be pleased to make a statement showing how the assessment-roll of the chaukidari tax has varied in the last two assessments in each district?

(*b*) What considerations generally determine the amount of assessment in each case?

(*c*) Are there any uniform principles of general application throughout the Province in this behalf, or are such principles susceptible of variation in different areas?

(*d*) Will the Government be pleased to lay on the table any circulars or instructions that may have been issued in regard to the principles of assessment?

(*e*) Are the Government aware that in many cases the rates of assessment vary greatly, to all appearance, as between neighbouring villages?

(*f*) How many assessees are there in each district, including (*i*) Muhammadans, and (*ii*) Non-Muhammadans, paying an annual chaukidari tax of Rs. 4, Rs. 2, and Re. 1, respectively; and what proportion of the rural population of the respective districts do they represent?

(*g*) Are the Government in a position to state how many of each such class of assessees are literate?

Answer by the Hon'ble MR. KERR :—

" (*a*), (*f*) and (*g*)—The material necessary to answer these questions is not immediately available, and, as its collection would involve the expenditure of an entirely disproportionate amount of time and labour, Government are not prepared to undertake it.

(*b*) and (*c*)—The general principles on which the assessment should be based are contained in sections 13 to 15 of the Village-chaukidari Act. The application of these principles rests with the panchayet of each union, and they are to this extent susceptible of variation.

(*d*) The Hon'ble Member is referred to rules 48 to 73 of the Chaukidari Manual. No other instructions have been issued.

(*e*) Government have no detailed information on this point."

By the Hon'ble BABU BHABENDRA CHANDRA RAY :—

XI.

(*a*) Are the Government aware that some vagueness is felt as to the particular authority who is to prescribe text-books for the primary and secondary schools from the present heavy list of approved text-books? Text-books for primary and secondary schools.

(*b*) Are the Divisional Inspectors or the District Boards and Municipalities authorized to select and prescribe text-books from the approved list for the schools in their charge?

(*c*) Will the Government be pleased to state what, if any, departure has been made in policy in this matter, and for what reasons?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) No such complaint has reached the Director of Public Instruction.

(*b*) Headmasters of secondary schools and local bodies in charge of primary education are authorised to select and prescribe text-books from the approved list.

(*c*) Formerly the Director of Public Instruction prescribed definite text-books for all schools intending to compete for scholarships, but now the Director of Public Instruction recommends a large number of approved text-books from which such schools can make their choice. The change of policy is due to the fact that the number of suitable text-books in each subject is nowadays not so limited as before and it was considered inadvisable to continue a system which conferred exceptional advantages on a small number of authors or publishers."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XII.

Will the Government be pleased to state—

(*a*) the circumstances in which the Manikganj High School has been placed under a managing committee entirely nominated by the District Magistrate of Dacca; The Manikganj High School.

(*b*) when the Manikganj High School was established, and by whom, and who have managed it since its foundation; and

(*c*) when the grant-in-aid was first given to the said school, and what has been the constitution of the managing committee since then?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) The school had had a bad record for some years past, and it was considered desirable that the committee should be reconstituted in order to secure better management.

(*b*) The school was formerly a middle school and was raised to the status of a high school in 1884 through the exertions of the then Sub-divisional Officer of Manikganj. Since then it has been managed by the Sub-divisional Officer and a committee of officials and non-officials.

(c) The school has enjoyed a grant-in-aid since its foundation. From 1886 to 1906 it was managed by a committee of 22 to 25 members consisting of officials and non-officials. In 1906 the number was limited to ten, of whom two were Government officers, two were Muhammadans, two were pleaders, two were *mukhtars*, one was a private medical practitioner and one was a merchant. From 1908 to 1916 the committee consisted of 2 officials, 2 members of the teaching staff, 2 pleaders, 3 *mukhtars* and a private medical practitioner. In 1916 the committee appointed the Deputy Superintendent of Police to a vacancy caused by the death of a *mukhtar*. In 1917 the committee consisted of the Sub-divisional Officer, the senior Munsif, the Deputy Superintendent of Police, the Headmaster, a teachers' representative, one pleader, two *mukhtars* and another private gentleman; there was one vacancy due to the resignation of a pleader. The present committee consists of the Sub-divisional Officer, the senior Munsif, the Deputy Superintendent of Police, the Deputy Inspector of Schools, the Headmaster, a teachers' representative, and 3 pleaders and *mukhtars*."

By the Hon'ble MAULVI A. K. FAZL-UL-HAQ :—

XIII.

Headmaster of the Manikganj High English School.

(a) Is it a fact that the present Headmaster of the Manikganj High English School was appointed on probation for six months in March, 1917?

(b) Was the question of confirming him in his appointment, or extending his term of office, ever brought before the Managing Committee after the expiration of the said period? If not, on what authority was the Headmaster continuing in office after the said period?

(c) Was there any opposition by the Managing Committee to the appointment of the present Headmaster? If so, on what grounds?

(d) How many applications were received for the Headmastership, and how many of the candidates were M.A.'s or had experience as Head masters of other schools?

(e) (i) What were the reasons for selecting the present Headmaster;

(ii) what are his educational and other qualifications;

(iii) at what places did he act as Headmaster before his appointment as Headmaster of the Manikganj High English School and for what periods at each place; and

(iv) what remarks, if any, were made by the Inspecting officers as to his abilities or otherwise at each such place?

(f) Is it a fact that the said Headmaster was mixed up in the Jagatshi Asram affairs in Assam, and was a witness at the Dayananda trial at Sylhet?

(g) Are the Government aware that the Sessions Judge of Sylhet, in his judgment, observed that this gentleman was wanting in mental balance, and made other adverse remarks about him? If so, will the Government be pleased to give all the extracts from the said judgment bearing reference to this gentleman?

(h) Is it a fact that these facts were brought to the notice of the Sub-divisional Officer of Manikganj by certain members of the Managing Committee at the time of the appointment of the Headmaster? If so, what inquiries, if any, were made by him into the allegations?

(j) Is it a fact that the Sub-divisional Officer had received a mandate from the District Magistrate of Dacca to see that this gentleman was appointed Headmaster?

(k) Will the Government be pleased to lay on the table any correspondence that passed between the District Magistrate, the Inspector of Schools, and the Sub-Divisional Officer regarding this appointment?

(*l*) Is it a fact that since his appointment as Headmaster of the Manikganj High English School several complaints were made to the Sub-divisional Officer, the Managing Committee, and the Inspector of Schools against his conduct and administration of the school? If so, will the Government be pleased to state the purport of the complaints made on each occasion, and whether any inquiries were made thereinto, and the result thereof?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) The answer is in the affirmative.

(*b*) So far as Government are aware, the question of confirmation was not raised on the expiry of the period of probation and the Headmaster continued to hold his appointment with the concurrence of the Committee, by which he had been appointed.

(*c*) The Headmaster was appointed by a majority of the votes of the Committee, 5 voting for and 3 against his appointment. It is understood that the minority was of opinion that the Headmaster would be unpopular with the other teachers.

(*d*) 100, of whom 34 were M.A.'s and 14 had experience as Headmasters of other schools.

(*e*) (*i*) and (*ii*) The Committee did not record any reasons for appointing the Headmaster. He had excellent testimonials from a former Sub-divisional Officer of Manikganj, from Secretaries of three High schools in which he had served, and from the Principal of St. Columba's College, Hazaribagh. He passed the B.A. in 1906 and appeared at the M.A. examination in November, 1907.

(*iii*)

Bengali Boys' English School, Nagpur		4 months in 1906
Muragacha High English School	...	1908-09
Balurghat ditto	...	1909-10
Sibpur ditto	...	1910-11
Bhadreswar ditto	...	1911-12
Raipura ditto	...	1915-16

(*iv*) Government have no information.

(*f*) It has been reported that the Headmaster was under the influence of Dayananda and his disciples for a time and that he was a witness against Dayananda in a trial held by the Deputy Commissioner of Silchar.

(*g*) A copy of the judgment is not available.

(*h*) No.

(*j*) No.

(*k*) No.

(*l*) Two complaints were received by the Managing Committee, the principal allegations being—

(*1*) that the Headmaster had used discourteous language regarding one of the members of the Committee, and

(*2*) that he had forced some of the boarders of the school hostel to make confessions of a scandalous character affecting certain teachers of the school.

The Inspector of Schools made an inquiry, and in regard to the first allegation found that the Headmaster had probably been indiscreet in his remarks. As regards the second allegation, inquiry was made by the Sub-divisional Officer and a member of the Managing Committee, as well as by the Inspector, and 13 boys of the hostel were either rusticated or expelled, and two Superintendents were dismissed. There were certain other minor charges which were not substantiated by evidence."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XIV.

Election to the Rishra-Konnagar Municipality.

(*a*) Are the Government aware of the notice, dated the 3rd September, 1915, issued by the Sub-divisional Magistrate of Serampore in the district of Hooghly in connection with the general election of Municipal Commissioners of the Rishra-Konnagar Municipality held on the 11th September, 1915?

(*b*) Are the Bengal Municipal Election Rules issued under Notification No. 4345 M., dated the 21st November, 1896, still in force?

(*c*) If so, do the Government contemplate directing the Sub-divisional Magistrate of Serampore not to issue any notice similar to that referred to above at the ensuing general election of Municipal Commissioners of the Rishra-Konnagar Municipality?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*) Yes.

(*b*) Yes, with certain amendments.

(*c*) As the election of 1915 was the first election of the Municipality, the Magistrate was authorized to perform the duties assigned by the election rules to the Chairman or Commissioners in meeting, and he directed the Sub-divisional Officer to discharge these duties. At the ensuing general election the powers assigned by the election rules to the Chairman will be exercised by him, and the Sub-divisional Officer will have nothing to do with the election."

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XV.

Certain statistics of the South Konnagar Ward of the Rishra-Konnagar Municipality.

Will the Government be pleased to lay on the table the following particulars regarding the South Konnagar Ward within the Rishra-Konnagar Municipality in the district of Hooghly :—

(1) the annual income from (*a*) the holding tax, and (*b*) the latrine fees before and after the assessment made this year;

(2) the income on account of grants made out of the proceeds from the Ferry Ghat near Konnagar *Bazar*;

(3) the taxes paid annually by Messrs. D. Waldie and Company and also by the Bengal Distillery Company, Limited;

(4) the fees realized from pounds, hackney-carriages, and cart registration;

(5) the tax on animals and vehicles and the tax on professions and trades; and

(6) the miscellaneous income?

Answer by the Hon'ble MR. O'MALLEY :—

" A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. XV (unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council meeting of the 26th November, 1918* :—

	Rs.	A.
Annual income before assessment—		
Holding tax	2,836	0
Latrine fees	2,466	8
Annual income after assessment—		
Holding tax	3,188	5
Latrine fees	2,589	15
Annual income from ferry	700	8
Taxes paid annually by—		
Messrs. D. Waldie & Co.	1,157	12
Bengal Distillery Co.	137	8
Fees realised from—		
Pounds	110	0
Hackney-carriages	28	0
Cart registration	55	4
Annual tax on—		
Animals	12	12
Vehicles	40	8
Professions and trades	265	0
Annual miscellaneous income	6	0

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XVI.

Will the Government also be pleased to state — Population etc., of the Konnagar Municipality.

(*i*) the population;

(*ii*) the total number of rate-payers;

(*iii*) the total number of illiterate rate-payers; and

(*iv*) the area of each of the wards of the Rishra-Konnagar Municipality?

Answer by the Hon'ble MR. O'MALLEY :—

"(*i*) 17,373.

(*ii*) 2,425.

(*iii*) The information is not available.

(*iv*) Rishra Bustee ward ... ·27 square miles.
Rishra village ward ... ·53 " "
Konnagar (North) ... ·68 " "
Konnagar (South) ... ·70 " "

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XVII.

(*a*) Will the Government be pleased to state the length and present condition of Criper Road in the South Konnagar Ward of the Rishra-Konnagar Municipality? Criper Road in the South Konnagar Ward of the Rishra-Konnagar Municipality.

(*b*) Are the Government aware of the fact that Messrs D. Waldie & Co. have repeatedly invited the attention of the Municipality to the want of improvement in the condition of this road?

(c) Is it a fact that the Indian residents and the rate-payers have been also complaining to the municipal authorities regarding the disrepair of this road?

(d) Is it a fact that this road, which runs from the Ferry Ghat to the Konnagar railway station, is the only important road in the South Konnagar Ward?

(e) Is it a fact that a large number of people residing in the Kotrung Municipality and the villages within the District Board of Hooghly daily pass through this road on their way to and from the Konnagar railway station?

(f) Are the Government considering the desirability of urging the local authorities to improve the condition of this important road at an early date?

Answer by the Hon'ble MR. O'MALLEY —

" (a) The length of the Criper Road is about 5,000 feet. Its present condition is reported to be good.

(b) and (c) A petition was received from some of the inhabitants of Rishra complaining of the bad condition of the Criper Road, and on a reference being made to the Vice-Chairman of the Municipality, it transpired that Messrs. D. Waldie and Co. had agreed to contribute Rs. 800 and the Municipality had allotted Rs 410 for metalling the road with stone.

(d) It is one of the most important roads in the South Konnagar ward

(e) Yes

(f) Having regard to the action taken Government do not consider it necessary to move in the matter "

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XVIII.

Headmasters of certain schools and their certain salaries, etc.

of the S[…] Konnaga[…] of the R[…] Konnagar Municipal

Will the Government be pleased to lay on the table a statement

(1) containing—

(i) the names of Headmasters of the Hooghly Collegiate, Utterpara (in the Hooghly district), the Hindu, the Hare, and the Sanskrit Collegiate Schools, Calcutta from 1894 to July, 1918; and

(ii) the amount of salary per month and local allowances, if any, drawn by each?

(2) showing—

(i) the number of pupils; and

(ii) the annual income and expenditure of the schools referred to above,

during the last six years?

Answer by the Hon'ble MR. O'MALLEY :—

" Statements giving the information asked for are laid on the table."

Statement referred to in the answer by the Hon'ble Mr. O'MALLEY to question No. XVIII (unstarred) asked by the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR at the Council meeting of the 26th November 1918, showing (i) the names of Headmasters of the Hooghly Collegiate, Uttarpara, Hindu, Hare and Sanskrit Collegiate Schools from 1894 to July, 1918, and (ii) the amount of salary per month and local allowances, if any, drawn by each.

Hooghly Collegiate School.

Year	Names of Headmasters	Salary. Rs.	Allowance, if any
1894	Babu Hari Prosad Banerji	280	
1895—1896	Ditto	300	
1897—1900	" Khirod Ch. Roy Chowdhury	250	
1901	" Kailash Chandra Bhattacharya.	200	
1902—1904	" Barada Prosad Ghosh	500	
1905—1906	Maulvi Azizul Huq	200	
1907—1909	Babu Hari Das Banerji	350	
1910—1912	Ditto	400	
1913—1916	Maulvi Matloob Ahmad Khan Chowdhury.	300	
1917—July 1918	Babu Aghor Nath Banerji	250	

Uttarpara Government High School.

Year	Names of Headmasters	Salary. Rs.	Allowance, if any
1894—1896	The school was not then in existence.		
1897—1898	Babu Jadu Nath Pal, B.A.	125	
1898—1902	Ditto ditto	150	
1903—1904	Ditto ditto	200	
1905—1909	Ditto ditto	250	
1910—1915	Babu Hara Kanta Bose, B.A.	150	
1916—July 1918	" Dwijendra Nath Neogi, B.A.	150	Duty allowance of Rs. 50 per mensem as Headmaster

Hindu School.

Year	Names of Headmasters	Salary. Rs.	Allowance, if any
1894	Babu Krishna Chandra Ray	300	
1895—1898	" Haranath Bhattacharji	200	
1899—1902	Rai Rasamay Mitra Bahadur	200	
1903—1904	Ditto ditto	250	
1905—1909	Ditto ditto	350	
1910—1911	Ditto ditto	400	
1912—1916	Ditto ditto	500	
1917—July 1918	Babu Satis Chandra Sen	200	

Hare School.

Year	Names of Headmasters	Salary. Rs.	Allowance, if any
1894—1895	Babu Bholanath Pal	500	
1896—1898	Rai Rasamay Mitra Bahadur	200	
1899—1900	Babu Hari Das Banerji	200	
1901—1902	" Hari Charan Roy	200	
1903—1904	Rai Sahib Ishan Ch. Ghosh	250	
1905—1909	Ditto ditto	350	
1910—1911	Ditto ditto	400	
1912—1915	Ditto ditto	500	
1916—July 1918	Babu Hara Kanta Bose	200	

Sanskrit Collegiate School.

Year		Names of Headmasters		Salary	Allowance, if any.
				Rs.	
1894	...	Babu Chandra Kumar Moitra	...	200	
1895	...	Ditto ditto	...	220	
1896	...	Ditto ditto	...	240	
1897—1900	...	Ditto ditto	...	250	
1901	..	„ Hara Nath Bhattacharji	...	250	
1902—1904	...	„ Hari Charan Roy	...	200	
1905—1908	...	Ditto ...	...	300	
1909—1910	...	Ditto ...	...	350	
1911—1912	...	Ditto ...	...	400	
1913	...	„ Hem Chandra Sen Gupta	...	200	
1914—July 1918	...	„ Beni Madhab Das	...	250	

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. XVIII (unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council meeting of the 26th November, 1918, showing (i) the number of pupils, and (ii) the annual income and expenditure of the Hooghly Collegiate, Uttarpara, Hindu, Hare and Sanskrit Collegiate Schools during the last six years.*

Name of School.	Number of Pupils. 1912-13.	1913-14	1914-15.	1915-16.	1916-17	1917-18	Income. 1912-13.	1913-14	1914-15	1915-16.	1916-17.	1917-18.	Expenditure. 1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18
							Rs.	Rs	Rs.	Rs	Rs	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	Rs
1. Hooghly Collegiate School.	287	239	233	245	260	281	8,063	7,618	6,800	6,580	6,703	7,081	15,318	18,416	21,806	19,605	18,749	16,179
2. Uttarpara Government School.	288	314	322	326	333	344	7,638	9,311	9,217	10,849	9,653	10,506	9,996	9,442	11,509	11,606	10,511	10,724
3. Hindu School	636	612	603	624	593	577	30,282	28,961	27,163	27,814	28,905	27,649	24,035	23,904	27,947	24,682	24,122	21,392
4. Hare School ...	572	644	599	623	567	575	27,629	29,101	30,627	29,398	29,529	26,800	22,901	23,090	27,309	23,967	20,320	20,993
5. Sanskrit Collegiate School.	234	223	206	192	205	218	2,782	3,311	2,906	2,651	2,791	2,910	14,859	15,426	18,299	17,645	17,199	16,150

Certain ... of the S... Tonnage ... of the R... Tonnage ... Municipa...

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XIX.

Total number of steamers, flats, etc., in Calcutta port and their passengers.

Will the Government be pleased to state—

(*i*) the total number of all steamers, flats and country boats (passenger as well as cargo boats) and their crew, registered in the Port of Calcutta during the last three years; and

(*ii*) the total average number of passengers which these steamers and passenger boats were licensed to carry during the last three years ?

Answer by the Hon'ble MR. COWLEY :—

"Statements showing the particulars asked for by the Hon'ble Member are placed on the table."

Statements referred to in the answer by the Hon'ble MR. COWLEY *to question No. XIX (Unstarred) by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *asked at the Council meeting of the 26th November 1918.*

A—Particulars regarding passenger boats.

Statement showing (1) the total number of steamers, flats, boats, etc. registered in the Port of Calcutta, (2) the number of passengers they are licensed to carry, and (3) the total number of cargo flats and boats registered in the Port of Calcutta with their registered tonnage, for the years 1915-16 to 1917-18.

—	1915-16.		1916-17.		1917-18.		CREW ACCORDING TO SIZE OF VESSELS.
	Number registered by Port Commissioners' boat surveyor.	Number of passengers for which licensed.	Number registered by Port Commissioners' boat surveyor.	Number of passengers for which licensed.	Number registered by Port Commissioners' boat surveyor.	Number of passengers for which licensed.	Minimum number on any one vessel.*
Flats (over 100 tons) registered for carriage of passengers ...	14	10,019	18	12,128	14	8,872	9
Green boat	234	3,117	241	3,293	254	3,553	4
Pansway	58	2,861	76	3,601	66	3,256	3
Dinghy	426	5,524	401	5,064	372	4,459	3
Budgeros	3	98	3	170	2	68	5
Barges (under 100 tons) registered for carriage of passengers ...	21	3.507	21	3,431	22	3,436	5
Steamers	Nil	Nil	Nil	Nil	Nil	Nil	...

* The number of the crew varies with the size of the vessel; the numbers given in this column are the minimum admissible for the smallest size and are exceeded for the larger vessels.

B—Particulars regarding cargo flats and boats.

Cargo flats:—minimum crew 9 per flat.

		1915-16.	1916-17.	1917-18.
Cargo flats.				
Number registered	...	343	308	296

Cargo boats:—minimum crew 5 per boat.

		1915-16.	1916-17.	1917-18.
Class A Cargo boats.				
Number registered	...	2,160	2,087	1,987
Registered tonnage	..	91,632	89,196	84,726
Class B Cargo boats.				
Number registered	...	4,575	4,147	4,128
Registered tonnage	...	82,499	73,066	70,805

N.B.—Class A cargo boats are those which are square built, *i.e.*, the frames are square built on the principle of European shipbuilding.

Class B cargo boats are country-built boats of all descriptions.

In the case of cargo flats a fixed charge independent of tonnage is made and hence no figures of tonnage are available.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

Riparian municipalities and offences committed therein under section 34 of the Police Act of 1861.

XX.

Will the Government be pleased to lay on the table—

(a) the list of Municipalities (by the side of the Ganges, *i.e.*, the Bhagirathi) in the districts of the 24-Parganas, Nadia, Hooghly and Howrah, in which section 34 of the Police Act, 1861 (V of 1861) is in force;

(b) the dates of publication of notifications enforcing section 34 of the Police Act, 1861 (V of 1861), in those Municipalities in the *Calcutta Gazette;*

(c) the length of river-frontage in each of the Municipalities referred to above;

(d) the total number of public latrines for the use of males and females separately, near the riverside in each of the Municipalities referred to above;

(e) the total number of prosecutions under section 34 of the Police Act, 1861 (V of 1861) within the jurisdiction of each of the Municipalities referred to above during the last three years; and

(f) the total amount of fines credited to the Municipal funds of each of such Municipalities during the last three years?

Answer by the Hon'ble MR. O'MALLEY.—

"A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. XX (Unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council meeting of the 26th November, 1918.*

Municipalities on the banks of the Bhagirathi (Hooghly) in which section 34 of the Police Act 1861 (V of 1861) is in force	Date of publication in the *Calcutta Gazette* of notifications extending section 34 of the Police Act, 1861 (V of 1861)	Approximate length of the river frontage in each municipality	Number of public latrines for the use of males and females near the river side in each municipality.	Number of prosecutions under section 34 of the Police Act within each municipality during the last 3 years	Amount of fines credited to the Municipal Fund during the last 3 years
DISTRICT 24-PARGANAS.					Rs.
Cossipore Chitpur ...	24th November 1869	8792 feet ...	Nil	Nil	Nil.
Barnagore ...	Ditto ...	About 2 miles ...	Nil	119	480
Kamarhati ...	Ditto ...	1·68 miles ...	Nil	81	117*
Garden Reach ...	25th July 1906	5 miles 6 furlongs	Nil	19†	38†
North Barrackpore ...	7th June 1871.	About 3 miles ...	One containing 7 seats for females and 10 for males.	22	28
South Barrackpore ...	Ditto ...	About 1 mile ...	Nil	59	134
Barrackpore ...	Ditto ...	Ditto ...	Nil	85‡	148‡
Panihati ...	Ditto ...	2½ miles ..	Two for males ...	74	245
Titagarh ...	Ditto ...	1·51 miles ...	Nil	314	1,070
Garulia ...	Ditto ...	1 mile 1 478 yards	Four with 66 seats, 44 for males and 22 for females.§	92	111
Naihati ...	1st September 1875.	About 2 miles ...	Two with 6 seats each, of which 4 seats are for males and 2 for females.	156	436
Halisahar ...	Ditto ...	About 3 miles ...	One	37	37
Bhatpara ...	Ditto ...	4 miles ...	Nil	70	165
Budge-Budge ...	23rd October 1901.	About 3 miles ...	Nil	175	261

* There are 2 septic tank latrines for employés of the Kamarhati Jute Mills.
† The figures relate to the period 1st April 1917 to 31st December 1917.
‡ These figures are for 1916-17 only.
§ There are 8 latrines belonging to coal mills with 22 seats for males and 44 for females. There are also 3 septic tanks within 200 yards of the river in the compound of the Shamnagore Jute Mill.

Municipalities on the banks of the Bhagirathi (Hooghly) in which section 34 of the Police Act, 1861 (V of 1861), is in force.	Date of publication in the *Calcutta Gazette* of notifications extending section 34 of the Police Act, 1861 (V of 1861).	Approximate length of the river frontage in each municipality.	Number of public latrines for the use of males and females near the river side in each municipality.	Number of prosecutions under section 34 of the Police Act within each municipality during the last 3 years.	Amount of fines credited to the municipal Fund during the last 3 years.
DISTRICT NADIA.					Rs.
Nabadwip ...	5th July 1869.	1 86 miles ...	Five (viz., 3 for males each with 6 seats and 2 for females each with 6 seats).	86	287
Santipur ...	28th February 1865.	3·76 " ...	Four (viz. 2 for males each containing 6 seats and 2 for females each containing 6 seats).	72	229
DISTRICT HOOGHLY.					
Bansberia ...	12th July 1912.	4 " ...	Four with 19 seats of which 12 are for males and 7 for females.	209	236
Hooghly-Chinsura ..	Ditto ...	5½ " ...	Two (for males and females combined).	734	946
Bhadreswar ...	26th June 1879.	1¾ " ...	Nil	621	2,102
Champdany ...	Ditto ...	2 " ...	Nil	The Champdany Bench has been newly constituted and started from 12th August 1918.	
Baidyabati ...	8th April 1879.	2 " ...	Two with 15 seats for males and 5 seats for females.	547	981
Serampore ...	12th July 1912.	3 56 " ..	One with 2 seats, one for males and the other for females.*	905	1,234
Rishra-Konnagore ...	Ditto ...	2¼ " ...	One with 6 seats for males and 2 for females.	228†	253†
Kotrung ...	Ditto ...	2 " ...	Nil	89	126
Uttarpara ...	Ditto ...	1 mile ...	Nil	215	403
DISTRICT HOWRAH.					
Howrah ...	19th November 1866.	6·3 miles ...	Seven, of which one is for males and one for females. In the remaining five half the seats are reserved for females and half for males.	6,989	19,328
Bally	Ditto ...	2⅛ " ...	Eight (4 for males and 4 for females).	194	257

* There is also another public latrine within easy distance with 16 seats for males and 8 for females.
† Represents figures for the period October 1915 to the end of the year 1917.

By the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR :—

XXI.

Superior grade officers under Sanitary Commissioner and Chemical Examiner to Government.

Will the Government be pleased to lay on the table a statement containing the names, age, University qualifications, place and period of practical training, date of appointment and salary of persons in the superior grade who are employed in the Bacteriological Laboratory of the Sanitary Commissioner, Bengal, and also of those under the Chemical Examiner to the Government of Bengal?

Answer by the Hon'ble MR. O'MALLEY :—

"A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY, *to question No. XXI (Unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the meeting of Council held on the 28th November, 1918, containing the names, etc., of persons in the superior grade employed in (1) the Chemical and Bacteriological Laboratory of the Sanitary Commissioner, Bengal, and (2) the Department of the Chemical Examiner to the Government of Bengal.*

NAME.	Age (years).	University qualification.	Place and period of training.	Date of present appointment.	Salary in rupees.
(1) CHEMICAL AND BACTERIOLOGICAL LABORATORY OF THE SANITARY COMMISSIONER, BENGAL.					
Rao Sahib V. Govinda Raju.	32	Graduate in Zoology, took first place in the Presidency in Science, Madras University.	Junior Bacteriological Assistant, King Institute of Preventive Medicine, Madras, about 2½ years.	7th July, 1910.	150—$\frac{20}{2}$—250
Babu Surendra Nath Dey	42	B. A., Chemistry and Physics; diploma-holder, Higher Agricultural course.	Civil Engineering College, Sibpur, 3 years; Demonstrator in Chemistry, Presidency College, 1 month; Lecturer in Science, Civil Engineering College, Sibpur, 3 months; Head Chemical Assistant in the Laboratory attached to the Industrial Section, Indian Museum, 6 years.	1st August, 1910.	150—$\frac{20}{2}$—250
Babu Kali Prosanna Roy	32	Master of Arts ..	Assistant to the Imperial Agricultural Chemist, Pusa Research Institute, 1 year; First Assistant to the Agricultural Chemist, Sabaur Agricultural College, 1 year; Head Chemical Assistant to the Laboratory attached to the Department of Botanical Survey, Government of India, about 3 years.	1st April, 1913.	125—$\frac{15}{2}$—200
Babu Sachindra Kissore Das Roy.	36	......	Demonstrator and Bacteriological Assistant, Albert Victor Hospital and Medical Institution, 2 years; Bacteriological Assistant in the Raymond Research Laboratory, Belgachia Veterinary College, 9 years.	January, 1915.	125—$\frac{15}{2}$—200
(2) THE DEPARTMENT OF THE CHEMICAL EXAMINER TO THE GOVERNMENT OF BENGAL.					
Rai Chunilal Bose Bahadur	57	M. B. of the Calcutta University.	One year's training in the Chemical Examiner's Department, Calcutta.	28th April, 1915.	600 100 A.A. 300 D.A.
Hemnath Adhikari ...	52	B. A. and M. B. of the Calcutta University.	Ditto ditto ...	11th May, 1915.	350 75 A.A. 90 D.A.
Hiralal Sinha ...	46	B. A. and L. M. S. of the Calcutta University.	Ditto ditto ...	3rd April, 1897.	325 90 D.A.
Satyendra Nath Sen ...	45	M. B. of the Calcutta University.	Ditto ditto ...	28th May, 1899.	325

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

XXII.

Are the Government aware that Muhammadan religious feelings will be injured if the sacred Trust lands around the mosque dedicated as *peerpal* lands for the performance of religious rites, etc., be acquired for any other purpose? Acquisition of certain Trust lands.

Answer by the Hon'ble MR. MCALPIN :—

" The form of the question is ambiguous.

The acquisition of land which is held sacred injures religious feelings. But the land which is placed in trust with a view that the income derived therefrom shall be devoted to the maintenance of a mosque is not thereby made sacred, nor are Government aware that its acquisition offends any one's religious feelings."

By the Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI :—

XXIII.

(a) Is it a fact that the Company which has been formed at Rangpur, having for its objects dairy farming, etc., has influential Government officials as share-holders and promoters? Officials as shareholders of Rangpur Dairy Farms.

(b) Is it a fact that the Carmichael College authorities propose to lease out some more lands to the Dairy Company besides the 60 acres already leased?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) The Hon'ble Member is probably referring to the North Bengal Agricultural Development Company, Limited. The answer is in the negative.

(b) The information of Government is that there is no such proposal."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXIV.

(a) Are the Government aware that Babu Ashutosh De wanted to be elected a member of the District Board of Burdwan and that he was not allowed to stand as a candidate on the orders of the Commissioner of the Burdwan Division? Election of Babu Ashutosh De as a member of the Burdwan District Board.

(b) Are the Government aware that it has been alleged that the voters' lists were prepared with a view to secure his election to the District Board, and that the Circle Officer selected his nominees for the membership of the Local Board, and that he through the agents canvassed for the support of his nominees by using undue influence over the electors of the sub-division?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) The Commissioner having learnt from a private source that it had been stated that the Circle Officer of Kalna was offering himself as a candidate for election to the District Board, informed the Sub-Divisional Officer that the Circle Officer should not stand for election.

(b) These allegations were made in a petition received by the Commissioner. An inquiry was made and the allegations were found to be groundless."

By the Hon'ble KHAN SAHIB AMAN ALI :—

Election of Chairman, etc., of the Burdwan District Board.

XXV.

(a) Are the Government aware that on the 22nd April last a meeting of the Kalna Local Board was held for the election of a Chairman, a Vice-Chairman, and two delegates to the District Board?

(b) Is it a fact that five members of the Local Board, namely, Babus Manmatha Nath Ray Mahashay, Srimohan Singh, Ramkrishna Goswami, Panchanan Ray, and Chowdhury Abdul Razzaq met at the private residence of the Sub-divisional Magistrate and had a consultation with him about the election?

(c) Is it a fact that on the 22nd of April a caucus was formed, of which the Sub-divisional Officer was a member, to secure the election of Babu Manmatha Nath Ray and Babu Srimohan Singh as members of the District Board?

(d) Are the Government aware that Babu Purna Chandra Datta was the Chairman of the Kalna Local Board for the last three years and that he has now been replaced by the Sub-divisional Magistrate?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) Yes.

(b) It has been reported that four members of the Local Board, of whom three were candidates for election to the District Board, went to the residence of the Sub-divisional Officer to canvass for his vote, and that there was no consultation about the election.

(c) The reply is in the negative.

(d) Yes. The Sub-divisional Officer was elected Chairman of the Local Board."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXVI.

Increase in cost of living.

(a) Are the Government aware that the cost of living for the people of Bengal is increasing day by day?

(b) If so, have the Government taken any steps, or are they considering the desirability of taking steps, to check its progress?

Answer by the Hon'ble MR. MCALPIN :—

"(a) and (b) Government are aware that the prices of certain articles have gone up in Bengal, and that the cost of living has thereby increased. This is the result of conditions, arising mainly out of the war, over which Government have no control. The Government of Bengal have taken steps, as the Hon'ble Member is aware, to check profiteering and speculation in the case of salt, kerosene and cloth, and, should the situation demand it, they will proceed to the manufacture and distribution of standard cloth. They have no further remedial measures in contemplation at present."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXVII.

Anarchism in Bengal.

(a) Are the Government aware that anarchism has again sprung up in Bengal?

(b) If so, are the Government considering the desirability of devising some means, other than police force, to root out the seed of this evil?

Answer by the Hon'ble MR. KERR :—

" (*a*) Government are aware of the history of the revolutionary movement including its more recent developments in this Province.

(*b*) Government has throughout sought means of combating sedition otherwise than by mere repression, and as an example of the discussion of possible lines of provincial reform the Hon'ble Member is referred to the report of the District Administration Committee."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXVIII.

(*a*) Are the Government aware of the damage done by the recent floods in the districts of Eastern and Northern Bengal? Floods in Eastern and Northern Bengal.

(*b*) Do the Government apprehend famine or scarcity or the spread of epidemics in those districts?

(*c*) Will the Government be pleased to state what remedy they have under their contemplation to avert the danger likely to arise on account of the aforesaid floods?

Answer by the Hon'ble MR. MCALPIN :—

" (*a*) Government are aware of the damage done by recent floods in the districts of Northern and Eastern Bengal.

(*b*) and (*c*) The Hon'ble Member is referred to the Press *Communiqués* of the 9th September and the 1st November which give the information required relating to Northern Bengal. Copies of the same have been sent to the Hon'ble Member and placed on the Library table.

As regards Eastern Bengal, floods are by no means unusual. Some damage has been done to the crops, but there is no question of scarcity or epidemic."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXIX.

With reference to my question No. XIV (Unstarred) asked at the meeting of the Council held on the 22nd January, 1918, will the Government be pleased to state when the Medical School will be started at Chittagong? Medical School Chittagong.

Answer by the Hon'ble MR. DONALD :—

" Government are not in a position to make a definite pronouncement on the subject, as the whole question is still under their consideration."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXX.

(*a*) Will the Government be pleased to state under what circumstances the Government establish high English schools in sub-divisions of districts? High English schools in sub-divisions.

(*b*) How many sub-divisions have been granted Government high English schools?

(*c*) Will the Government be pleased to state the names of the sub-divisions, with the districts in which they are situated?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) (b) and (c)—The establishment of Government high schools at places other than district head-quarters is not in accordance with the general policy of Government. Government have, however, taken over under special circumstances and for special reasons at different times the management of five high schools at sub-divisional head-quarters. The names of the sub-divisions and districts in question are as follows :—

Sub-division.	District.
Barrackpore ...	... 24-Parganas.
Baraset ...	... 24-Parganas.
Dakshin Shahbazpur (Bhola)	... Bakarganj.
Pirojpur ...	... Bakarganj.
Jamalpur ...	... Mymensingh.

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXI.

Government Middle English School at Cox's Bazar.

Will the Government be pleased to state—

(a) what is the annual expenditure of the Government Middle English School at Cox's Bazar;

(b) what was the income from fees last year from that school;

(c) for what reasons no high English school is established there; and

(d) what the expenditure would be if the school be raised to the status of a high English school?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) The average annual expenditure for the last three years was Rs. 3,217.

(b) The income from fees during 1917-18 was Rs. 1,072-

(c) The Hon'ble Member is referred to the statement to be made in reply to the Resolution of the Hon'ble Member that a Government High English School should be established at Cox's Bazar.

(d) The total annual recurring expenditure may be estimated at about Rs. 8,400. There would also be the capital expenditure required for providing extra accommodation as well as the cost of pensions."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXII.

Students in Cox's Bazar sub-division.

Is it a fact that over two hundred students from Cox's Bazar sub-division have gone to Chittagong to pass their Matriculation Examination and that they are caused great inconvenience?

Answer by the Hon'ble MR. O'MALLEY :—

"It has been ascertained that there are now 102 students of the Cox's Bazar sub-division studying in high schools at Chittagong. Government are not aware that they are put to great inconvenience on that account."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXIII.

Will the Government be pleased to state—

(a) what is the annual Government expenditure for the Weaving school at Cox's Bazar; Weaving school at Cox's Bazar.

(b) whether the school is intended for *Magh* students only;

(c) when it was first started; and

(d) the number of students who have read in that school during the last three years, showing the number in each of those years?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) The average annual Government expenditure for the last three years was Rs. 1,367.

(b) The school was originally intended for the benefit of the local weaving community, which is composed of *Maghs*. Members of other classes are eligible for admission.

(c) The 18th March 1913.

(d)

1915-16	...	...	10 pupils
1916-17	...	...	11 "
1917-18	...	...	12 "

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXIV.

(a) Are the Government aware that the price of cattle has risen very high within the last few years, and that cattle are a source of livelihood to the Bengal raiyats? Price of cattle.

(b) If so, will the Government be pleased to state to what cause this rise is due?

Answer by the Hon'ble MR. MCALPIN

" (a) Government are aware that the price of cattle has risen during recent years, and that cattle are a source of livelihood to Bengal raiyats.

(b) The rise in the value of cattle is believed to be due primarily to the rise in the value of agricultural produce, which tends to the utilization of land for agriculture in preference to cattle-breeding."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXV.

(a) Is it a fact that the Forest Department in Chittagong have not been granting passes for grazing buffaloes in the reserved forests for the last two years, and that this has caused great inconvenience to the cultivators of the Hathazari and Fatikchari thanas in the Chittagong district who are living near these forests and who have no pasture lands? Chittagong Forest Department.

(b) Will the Government be pleased to state the amount of fines realized from the people of Hathazari and Fatickchari who are prosecuted for infringing the forest rules?

(c) Is it a fact that the Government forests and the reserved forests are intermingled in the Fatikchari and Hathazari thanas, having no specific boundary?

(d) Will the Government be pleased to state—

(i) whether there were any prosecutions for infringing rules in the Government forests in those two thanas during the last two years;

(ii) if so, what was the number of those prosecutions; and

(iii) for what reasons the number of prosecutions from the reserved forests has been so very high?

Answer by the Hon'ble MR. MCALPIN :—

"(a) Passes for grazing buffaloes have not been issued since the 1st April, 1917. Government have no information that this has caused great inconvenience to the cultivators of Hathazari and Fatikchari thanas.

(b)

1916-17	Rs. 253
1917-18	„ 442

(c) It is not a fact. There is a well-defined cleared boundary line six feet wide with boundary pillars in conspicuous places and at suitable intervals between the Government *khas* forests and the reserved forests.

(d) (i) There were prosecutions for infringing rules in the Government *khas* forests.

(ii) Three, all in Fatikchari thana.

(iii) It is natural that there should be more prosecutions with reference to reserved forests than with reference to Government *khas* forests. In the two thanas in question the area of *khas* forests is small, and they contain little valuable produce. In the reserved forests supervision is strict, and the presence of a large number of casual purchasers in the reserved forests is likely to result in forest offences."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXVI.

Chittagong Agricultural Department.

Will the Government be pleased to state what amount of expenditure Government have incurred in Chittagong for the Agricultural Department, and with what result?

Answer by the Hon'ble MR. MCALPIN :—

"As a District Agricultural Officer was only appointed to Chittagong in April last no separate figures for expenditure incurred in the district can be given apart from the figures for the division. *Indrasail* paddy was distributed both last year and this with excellent results, whilst the utility of bone-meal has been demonstrated on the laterite tract round Fatickchari."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXVII.

Will the Government be pleased to state—

The Chittagong Madrassa and the Dacca University.

(*a*) when the Madrassa students of the Chittagong Madrassa and elsewhere under the new scheme will pass their final examination this year;

(*b*) what their status will be; and

(*c*) where they will go for further education when the Dacca University ceases to exist?

Answer by the Hon'ble Mr. O'MALLEY :—

" (*a*) A copy of Government order No. 61 T.—Edn., dated the 25th April 1918, is laid on the table, from which it will be seen that a special Islamic Matriculation examination will be held in 1919.

(*b*) Pending the establishment of the Dacca University, students who pass this examination will be eligible for admission to a post-matriculation class and to the special Islamic Intermediate examination to be held in 1921.

(*c*) The Dacca University has not yet been established, and the question of its ceasing to exist does not therefore arise."

Government order referred to by the Hon'ble MR. O'MALLEY *in his answer to question No.* XXXVII (*Unstarred*) *asked by the Hon'ble* KHAN SAHIB AMAN ALI *at the Council Meeting of the 26th November, 1918.*

No. 61 T.—Edn., dated Darjeeling, the 25th April 1918.

From—THE HON'BLE MR. L. S. S. O'MALLEY, I.C.S., Secretary to the Government of Bengal, General Department,

To—The Director of Public Instruction, Bengal.

I AM directed to refer to your letter No. $\frac{24}{1M-31-B-17}$, dated the 12th January 1918, in which you have submitted the following proposals in connection with the students of those madrassas that have adopted the reformed course of instruction :—

(*i*) That a special Islamic Matriculation and a special Islamic Intermediate examination should be held in 1919 and 1921, respectively.

(*ii*) That an Advisory Board, as proposed in paragraph 3 of your letter under reference, should be constituted to assist the Education Department in conducting the examinations.

(*iii*) That a post-Matriculation class should be started in 1919-20 and two more in 1920-21 and that these should be accommodated in the Dacca Madrassa, where they will be placed under the direct supervision of the Principal of the Madrassa.

(*iv*) That the following additional temporary staff should be appointed in the Dacca Madrassa to conduct the classes referred to above :—

(*a*) One Arabic Professor and one English Professor, in the Provincial Educational Service, on Rs. 200 a month each for a period of two years, with effect from such date in 1919 as the proposed classes are formed.

(*b*) A second Arabic Professor, in the Provincial Educational Service, on Rs. 200 a month, for a period of one year, with effect from the date in 1920 when the second session of these classes will begin.

(*v*) That an additional library grant of Rs. 1,000 in the 1st year and Rs. 500 in the 2nd year should be given to the Dacca Madrassa.

(*vi*) That the expenditure involved in conducting these examinations as shown below should be sanctioned :—

				Rs.
Islamic Matriculation examination	...	...	...	940
„ Intermediate „	...	...	...	1,350

2. In reply, I am to say that Government sanction your proposals, subject to the proviso that these arrangements will be cancelled if the Dacca University is established in time to arrange for the conduct of the examinations. Sanction is also accorded to the draft regulations for the examinations forwarded with your letter under reply.

3. The examination fees received from the candidates should be deposited in the Treasury. You are authorised to make necessary provision in the Education budgets for the years 1919-20 and 1920-21.

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXVIII.

Provincial and Subordinate Executive Services.

Will the Government be pleased to state—

(*a*) whether it is a fact that nominations for the Provincial Service from the subordinate Executive service are made from the 3rd and 4th classes of the subordinate Executive service; and

(*b*) what principle is followed in making selections for the Provincial service from the subordinate Executive service?

Answer by the Hon'ble MR. KERR :—

" The Hon'ble Member is referred to rule 6 of the rules for the recruitment of the executive branch of the provincial civil service. The principle followed is that the best officers are selected for promotion, having regard to the different considerations involved of which seniority is one among others."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XXXIX.

Export of cotton.

Will the Government be pleased to state—

(*a*) what quantity of cotton was exported last year from Chittagong;

(*b*) the total quantity of cotton exported during the same period from Bengal to other countries; and

(*c*) the total production of cotton during that period in this Province?

Answer by the Hon'ble MR. MCALPIN :—

" (*a*) Nil.

(*b*) 147,791 cwt.

(*c*) 19,000 bales of 400lbs."

Student Cox's B sub-divi

By the Hon'ble KHAN SAHIB AMAN ALI :—

XL.

Manufacture of cotton threads and *dhotis*.

In view of the present scarcity of cloth, are the Government considering the desirability of starting a mill for manufacturing cotton threads and preparing *dhotis*?

Answer by the Hon'ble MR. DONALD :—

" The answer is in the negative."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XLI.

Will the Government be pleased to state whether the Chittagong College will have the privileges of the 1st grade colleges like the college at Dacca and other like cities? The Chittagong College.

Answer by the Hon'ble MR. O'MALLEY :—

"The sanction of the Government of India has been recently given to the affiliation of the Chittagong College to the Calcutta University—

(1) in logic to the Intermediate Arts standard;

(2) in English to the B.A. honours standard; and

(3) in political economy and political philosophy to the B.A. pass standard;

with effect from the commencement of the session 1918-19."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XLII.

(a) Are the Government aware that the number of graduates, under-graduates and matriculates are increasing year by year? Dacoities by graduates, under-graduates, etc

(b) Is it a fact that many of these persons, having no means of livelihood, are in desperation doing mischief by committing dacoities?

Answer by the Hon'ble MR. KERR :—

"(a) Yes.

(b) The question is discussed to some extent in the report of the Rowlatt Committee, to which the Hon'ble Member is referred. From the concluding portion of paragraph 33 it will be seen that the motive of private gain was operative only in a very small proportion of a number of crimes examined by that Committee regarding the motive for which information was available."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XLIII.

Will the Government be pleased to state— Divisional Commissioners and District Magistrates.

(a) whether it is a fact that District Magistrates are not allowed to remain in one district for more than 3 to 5 years;

(b) whether this is also the case with the Divisional Commissioners; and

(c) if so, whether any exceptions to these orders are made in this Province, and for what reasons?

Answer by the Hon'ble MR. KERR :—

"There are no orders limiting the period for which District Officers and Divisional Commissioners may hold their posts in particular districts or divisions. The general policy of Government is to make transfers only when they are necessary in the interests of the public service."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XLIV

Ministerial appointments in Civil and Revenue Departments.

Will the Government be pleased to lay on the table a statement showing the total number of ministerial appointments in the Civil and Revenue Departments in all the Divisions of this Presidency, in each grade separately, and the number of such appointments held by Muhammadans?

Answer by the Hon'ble MR. KERR :—

"Two statements are laid on the table. Figures have not been given separately for each grade, as their collection would have involved an unnecessary amount of labour and delay."

Statement referred to in the answer by the Hon'ble MR. KERR *to Question No.* XLIV (*Unstarred*) *asked by the Hon'ble* KHAN SAHIB AMAN ALI *at the Council Meeting of the 26th November, 1918, showing the number of ministerial appointments in offices subordinate to Commissioners and District Officers and the number of those that were held by Muhammadans on the 31st March, 1918.*

NAME OF DIVISION.	Number of permanent appointments.	Number held by Muhammadans.	Total number of probationers.	Number of Muhammadan probationers.	REMARKS.
Burdwan ...	614	54	56	9	
Presidency ...	754	107	65	36	
Dacca	581	112	47	25	
Chittagong ...	407	109	29	16	
Rajshahi ...	695	180	43	18	
Total ...	3,051	562	240	104	

Statement referred to in the answer by the Hon'ble MR. KERR *to Question No.* XLIV (*Unstarred*) *asked by the Hon'ble* KHAN SAHIB AMAN ALI *at the Council Meeting of the 26th November, 1918, showing the number of ministerial appointments in the Courts of District Judges, Sub-Judges and Munsifs and the number of those that were held by Muhammadans on the 31st March, 1918.*

NAME OF DIVISION.	Number of permanent appointments.	Number held by Muhammadans.	Total number of probationers.	Number of Muhammadan probationers.	REMARKS.
Burdwan ...	479	43	49	6	
Presidency ...	558	67	53	17	
Dacca ...	623	87	60	31	
Chittagong ...	365	96	36	14	
Rajshahi ...	328	97	24	10	
Total ...	2,353	390	222	78	

By the Hon'ble KHAN SAHIB AMAN ALI :—

XLV.

Will the Government be pleased to lay on the table a statement showing— Appointments in the Jail Department.

(a) the total number of appointments in the Subordinate Executive branch of the Jail Department of this Presidency made during the last five years, and the number of such appointments held by Muhammadans; and

(b) the total number of ministerial appointments made in the following branches of the Jail Department, namely, in the office of the Inspector-General of Prisons, in the Central Jails and in the Subsidiary Jails, during the last five years, and the number of such appointments held by Muhammadans?

Answer by the Hon'ble MR. KERR :—

"A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. KERR *to Question No.* XLV *(Unstarred) asked by the Hon'ble* KHAN SAHIB AMAN ALI *at the Council Meeting of the 26th November, 1918.*

	Appointments made from 1913—1917.	Filled by Muhammadans
(a) Subordinate Executive Branch ...	... 15	4
(b) Ministerial appointments—		
Office of Inspector-General of Prisons	... 8	...
Central Jails	... 16	3
Subsidiary Jails	... 53	7

By the Hon'ble KHAN SAHIB AMAN ALI :—

XLVI

(a) Will the Government be pleased to state—

(i) whether it is a fact that the weekly paper *Joti* derived from the publication of sale proclamations in Chittagong Rs. 4,430-8 in 1915-16, Rs. 5,129-9-6 in 1916-17 and Rs. 6,040-6 in 1917-18; and The *Joti* newspaper.

(ii) in how many cases the sales have been upheld depending upon the publication of the proclamation in the Paper?

(b) Is it a fact that little or no importance has ever been attached to its publications either by the Munsifs or the Sub-Judges?

(c) If so, are the Government considering the desirability of issuing orders prohibiting the publication of sale proclamations?

Answer by the Hon'ble MR. DUVAL :—

"(a) (i) Yes.

(ii) No definite information is available.

(b) No.

(c) The question does not arise."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XLVII.

Medical practitioners from unrecognized schools.

Will the Government be pleased to state whether the medical practitioners who passed from unrecognized medical schools, but were unable to appear at the Final Licentiate Examination of the State Medical Faculty held in November, 1916, will be permitted to appear at the next Final Licentiate Examination, at which the candidates who were plucked in one or two subjects in the examination of November, 1916, have been permitted to appear?

Answer by the Hon'ble MR. DONALD :—

"The question is not altogether clear, but if the inquiry is whether it is intended to extend the scope of the orders already passed regarding the admission of candidates to the Faculty Examination, the answer is in the negative."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XLVIII.

Recognition of the College of Physicians and Surgeons, India.

Are the Government considering the desirability of recognizing the College of Physicians and Surgeons, India, which is managed by Lt.-Col. D. Bosu, Lt.-Col. S. C. Nandi, Major B. K. Bosu, Major N. P. Singha and many other doctors with British qualifications, for the purpose of the Schedule to the Bengal Medical Act, 1914 (Bengal Act VI of 1914)?

Answer by the Hon'ble MR. DONALD :—

"The answer is in the negative."

By the Hon'ble KHAN SAHIB AMAN ALI :—

XLIX.

Government high school teachers and recurring grant.

Will the Government be pleased to state—

(*a*) from what date the teachers of the Government High English Schools will get the benefit of the new recurring grant of nine lakhs given by the Imperial Government;

(*b*) on what scale the grant will be distributed among the different classes of teachers; namely, English teachers, classical teachers, drawing teachers, vernacular teachers and drill instructors;

(*c*) whether there will be any difference in increments between the trained and untrained teachers; and

(*d*) whether there will be any difference between the normal old 3rd year and the new 2nd year passed teachers, or will they both be treated as trained teachers?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*), (*b*), (*c*) and (*d*)—Government regret that they are not in a position to make a statement on the subject as their proposals are under discussion with the Government of India and final orders have not yet been passed."

By the Hon'ble BABU AKHIL CHANDRA DATTA :—

L.

Jury system in the district of Jalpaiguri.

(a) Is it a fact that the people of the district of Jalpaiguri have submitted a memorial to the Government of Bengal praying for the extension of the system of trial by jury to that district?

(b) Have the Government considered the facts and arguments contained in the said memorial?

(c) Have the Government come to any decision with regard to it? If not, are they considering the advisability and propriety of extending the jury system to that district?

Answer by the Hon'ble MR. DUVAL :—

"(a) Yes.

(b) Yes.

(c) Yes. Government have decided not to extend the jury system to the Jalpaiguri district at present."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

LI.

The case of Mr. Robertson, Settlement Officer of Midnapore and Bankura.

(a) Is it a fact that Mr. Robertson, Settlement Officer of Midnapore and Bankura, has been on leave since July last?

(b) Is it a fact that Babu Bejoy Behari Mukherjee has been doing all the duties of Mr. Robertson during the latter's absence on leave?

(c) Is it a fact that the Collector of Midnapore has been made the *ex officio* Settlement Officer during the absence of Mr. Robertson?

(d) If the answer to (b) is in the affirmative, is it a fact that, though Babu Bejoy Behari Mukherjee has been doing all the duties of Mr. Robertson since the latter has gone on leave, he is not being paid any acting allowance and, if so, will the Government be pleased to state the reason for this?

(e) Will the Government be pleased further to state whether the Collector of Midnapore is drawing any acting allowance as *ex officio* Settlement Officer during the absence on leave of Mr. Robertson?

Answer by the Hon'ble MR. MCALPIN :—

" (a) No. Mr. Robertson was on leave from 10th July to 1st August and on deputation to military duty in the I. A. R. O. from 5th August till 4th October.

(b) No.

(c) As there was no Special Settlement Officer, the Collectors of Midnapore and Bankura became *ex officio* Settlement Officers of their respective districts under Rule 47 of the Government Rules under the Bengal Tenancy Act.

(d) Needs no reply.

(e) No."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

LII.

Theft on Eastern Bengal Railway.

(a) Is it a fact that a robbery was committed in a female compartment on the Eastern Bengal Railway in the first part of July last between the railway stations Saidpur and Darwani?

(b) If so, what steps have been taken for preventing similar occurrences in future?

Answer by the Hon'ble MR. COWLEY :—

"(a) and (b)—The facts are as follows :—

On the 7th July, 1918, just after No. 1 Up Mail had started from Saidpur station, a third class passenger travelling from Kumarkhali to Siliguri pulled the alarm chain. On the train stopping, he reported to the guard that a man had jumped up on the offside of the train, snatched a gold necklace from his wife's neck and run off with it. The matter was duly reported to the Government Railway Police, Saidpur, who stated that the case had been thoroughly investigated and finally reported as true, but that no clue had been obtained. It is not clear what precautions can prevent the possibility of occurrences of this nature."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

LIII.

Railway between Khulna and Barisal.

Is it a fact that the project of a railway from Khulna to Barisal has been abandoned on the ground that it would unduly interfere with the rivers and make them useless and injurious to health?

Answer by the Hon'ble MR. COWLEY :—

"Yes; this was one reason along with others."

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

LIV.

(a) Is it a fact that the income of the *Jalpesh* fair, held annually on the Shivaratri day in the compound of the *Jalpesh* temple, situated in the Government *Khas Mahal* in Jalpaiguri, is credited to Government?

(b) If so, will the Government be pleased to lay on the table a statement showing the income and expenditure of the *Jalpesh* fair for the last 10 years?

(c) Are the Government aware that the dome of the *Jalpesh* temple, which collapsed at the earthquake of 1897, has not yet been repaired?

(d) Are the Government considering the desirability of repairing the temple at an early date?

Answer by the Hon'ble MR. MCALPIN :—

(a) No. The income of the *Jalpesh* fair is credited to the Western Duars Market Fund which is a local fund and is not credited to Government. The fair is not held in the temple compound. The temple is situate in Taluk Gartoli, whereas the fair is held on a block of *khas* land in Taluk Bhuskadanga at a distance of about two furlongs from the temple from which it is separated by a river.

(b) In the circumstances no statement is required by the question.

(c) Yes.

(d) No. This is a matter for the *Jalpesh* Temple Trust Committee to deal with.

By the Hon'ble BABU KISHORI MOHAN CHAUDHURI :—

LV.

(a) Is it a fact that the Sadar Ferry Ghat of Jalpaiguri, known as the Up-Doar Ferry, has been made over to the railway free of rent? Sadar Ferry Ghat at Jalpaiguri.

(b) If so, will the Government be pleased to state the reasons for doing this?

Answer by the Hon'ble MR. COWLEY :—

" (a) and (b). No. The facts are that by an agreement entered into in 1891, between the Secretary of State for India in Council and Messrs. Octavius Steel and Company, the promoters of the Bengal Duars Railway Company, the exclusive right to establish and work a ferry across the Teesta river between the terminus of the Bengal Duars Railway on the eastern bank opposite Jalpaiguri and the Eastern Bengal Railway on the west bank, was granted to the promoters. No charge was levied for that right as the ferry is intended as a link between the two Railways.

On the establishment of the Railway ferry, the Sadar public ferry at Jalpaiguri ceased to be used by the public and was therefore closed.

The Railway ferry now goes by the name of the Abu Duar Ferry, which was the name by which the Sadar public ferry was known while it existed."

By the Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR :—

LVI.

(a) When did the Land Acquisition Department of the Collectorate of Jessore get the requisition of the District Board of Jessore to acquire land in Bidyanandakati, thana Keshabpur, district Jessore, for the excavation of a tank for drinking water? Acquisition of land for a tank in Bidyanandakati.

(b) What steps are being taken for the acquisition of the land?

(c) What is the cause of the inaction of the Land Acquisition Department in this matter?

(d) Why has there been no statutory declaration for the acquisition as yet?

(e) Was not the Chairman of the District Board placed in possession of funds by an outsider for the proposed work as early as January, 1918, and could not the work have been done in the last dry season if the usual acquisition proceedings had been taken in hand by the Land Acquisition Department in time?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) The requisition of the District Board was received on the 4th March last.

(b) Administrative approval to the acquisition of the land has recently been given by Government. The declaration will shortly be published in the *Calcutta Gazette* and action taken for acquisition of the land.

(c) There was some delay owing to heavy land acquisition work. As it was not stated that the land was urgently required, pending projects were dealt with first.

(d) The Hon'ble Member is referred to the reply to (b) and (c).

(e) A private gentleman placed the Chairman of the District Board in possession of Rs. 1,000, which is about one-third of the total cost of the project. The requisition for acquisition was received too late to enable the work to be executed in the last dry season."

By the Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR :—

LVII.

Sanitary improvements in the Jessore District.

Is the Chairman of the District Board of Jessore getting every facility for the speedy performance of his duties, in the way of sanitary improvements, from the District Officer?

Answer by the Hon'ble MR. O'MALLEY :—

"No complaint has been received on the subject."

By the Hon'ble BABU SURENDRA NATH RAY :—

LVIII.

Condition of the Kidderpore Bridge.

Will the Government be pleased to state—

(a) how and when they became aware that the Kidderpore Bridge had become unsafe for vehicular traffic and tramcars;

(b) whether it is a fact that suggestions had been made, from time to time, for a number of years for improving the Kidderpore Bridge, or replacing it by a new one? If so, why no steps were taken for so long to carry out the suggestions?

(c) within what time a new bridge is going to be constructed: and

(d) what steps have been taken for the purpose of constructing a new bridge?

Answer by the Hon'ble MR. COWLEY :—

"(a) The President of the Committee appointed to examine the bridge structure under Bengal Government Resolution No. 78-86 T.—I. of the 2nd May, 1918, reported to the Secretary to the Government of Bengal, Irrigation Department, on the 4th September, 1918, that in the opinion of the Committee, immediate steps should be taken to stop all heavy vehicles, including tramcars, from using the bridge. It was closed to heavy vehicular traffic and to the tramcars from the morning of Saturday, the 7th September, 1918. The full report of the Committee was issued on the 14th September, 1918, and after a careful consideration of the report, all vehicular traffic over the bridge was stopped from midday of the 27th September, 1918.

(b) The Commissioner of Police in July, 1913, invited the attention of Government to the congestion of traffic on the Kidderpore Bridge and its approaches and suggested that either the bridge should be considerably widened or a subsidiary bridge constructed by the Hastings Bazar. Since that time the question has been under discussion with the Corporation of Calcutta and the Calcutta Improvement Trust.

(c) It cannot be definitely stated within what time a new bridge will be constructed.

(d) As previous knowledge showed the existence of bad quicksand underneath the site of the bridge, borings have been made on the Kidderpore side of the bridge to ascertain definitely the nature of the subsoil in which the foundations for a new bridge will have to be laid. The results obtained from these borings are being examined."

By the Hon'ble KUMAR SHIB SHEKHARESWAR RAY:—

LIX.

(a) Will the Government be pleased to state whether it is a fact that in the reports on the land-revenue administration the percentage which the land-revenue is said to bear to the gross rental is calculated on the assumption that the gross rents received by the landlords and the total valuation of the raiyats' holdings are one and the same thing? Reports on the Land-revenue Administration.

(b) Is it a fact—

(i) that the valuation of a raiyat's holding on which cesses are based is not necessarily the gross rental of the holding;

(ii) that in the total valuation of the raiyats' holdings on which cesses are based are included a large number of rent-free holdings; and

(iii) that the statements made in the Annual Reports on the Land-revenue Administration, and also in some of the Government resolutions thereon, regarding the net income of the land-holders and the percentage which the land-revenue is said to bear to the gross rental, are incorrect and misleading?

Answer by the Hon'ble MR. MCALPIN :—

"(a) The answer is in the negative.

(b) (i) The valuation of a raiyat's holding for cess purposes is the annual value as defined in section 4 of the Cess Act.

(ii) The valuation of rent-free lands is shown separately in Part IV of the Valuation Statement. The gross rental in column 3 of Appendix XXXIII of the Land Revenue Administration Report includes the valuation of rent-free lands.

(iii) The answer is in the negative."

By the Hon'ble KUMAR SHIB SHEKHARESWAR RAY:—

LX.

Will the Government be pleased to state why, in the matter of apportionment of Settlement costs, the superior landlords of permanent tenure-holders in certain districts of Bengal are exempted from paying any costs while in others they are made to pay a certain portion thereof? Apportionment of Settlement costs.

Answer by the Hon'ble MR. MCALPIN :—

"The distinction is based on grounds of equity. In districts where the cases in which the landlords of permanent mokarrari tenure-holders derive substantial advantage from a record of rights of such subordinate tenures are negligible, and where the record of such subinfeudation does not present any unusual difficulty affecting the cost of its preparation, the landlords of such tenure-holders are exempted from paying any share of the cost in respect of the tenures. In other districts where either of these conditions does not obtain, they are usually assessed."

By the Hon'ble MAULVI ABUL KASEM :—

LXI.

District Sub-registrars on extension.

(*a*) Will the Government be pleased to state—

(*i*) the number of District Sub-registrars who are on extension of service; and

(*ii*) in each case for how long they have been on extension?

(*b*) Is it a fact that under the rules now in force extensions are not granted to any officers unless the services of those officers are indispensable or are absolutely necessary in the interest of the public service?

Answer by the Hon'ble MR. MCALPIN :—

"(*a*) (*i*) and (*ii*)—

(1) Rai Sahib Tarapada Ghosh —Has extension of service for three years from the 3rd December, 1915.

(2) Khan Sahib Sattar Baksh —Has extension of service for one year from the 29th November, 1917.

(3) Babu Tarak Nath Biswas —Has extension of service for two years from the 8th February, 1917.

(*b*) The latest rule on the subject is contained in article 459 (*b*) of the Civil Service Regulations, as recently revised, which states that officers other than ministerial, who have attained the age of 55 should ordinarily be required to retire, and should not be retained in service except where unquestionable public grounds for retention exist, and there is no doubt as to the physical fitness of the officer."

By the Hon'ble MAULVI ABUL KASEM :—

LXII.

The case of Mokbul Ahmad.

Will the Government be pleased to state the facts, in detail, of the case of Mokbul Ahmad, a respectable Muhammadan of the Kustia subdivision, who was convicted in the criminal court, and was engaged in clearing the jungle in the compound of the Sub-divisional Magistrate the same afternoon?

Answer by the Hon'ble MR. DUVAL :—

"Mokbul Ahmad was convicted on the 10th June, 1918, of theft by the Sub-Deputy Magistrate of Kushtia and sentenced to rigorous imprisonment for 15 days. The conviction was upheld on appeal, and the High Court on a motion declined to interfere. He figured several times as an accused in criminal cases during the last two years and a case under section 211, I.P.C., is still pending against him.

It appears that the sentence was passed at about 1 P.M. on the 10th June. Mokbul Ahmad was taken to the court lock-up and thence at about 2 P.M. to the sub-jail which is close by. At about 3 o'clock in the afternoon, the Deputy Superintendent of the sub-jail sent him to work with other prisoners to clear jungle (as is frequently done) in the compound of the Sub-divisional Magistrate. He worked there for about an hour."

LIST OF BUSINESS—ITEM No. 3.

The HON'BLE MR. KERR laid on the table a paper* containing the information promised in his reply to question No. III (unstarred) regarding the Nawab of Dacca's steam launch at Barisal, asked at the meeting of the Bengal Legislative Council held on the 3rd September, 1918.

LIST OF BUSINESS—ITEM No. 4.

THE BENGAL PRIMARY EDUCATION BILL, 1917.

The Hon'ble BABU SURENDRA NATH RAY moved that the Bengal Primary Education Bill, 1917, be referred to a Select Committee consisting of the Hon'ble Sir Nilratan Sarkar, the Hon'ble Mr. Arden-Wood, the Hon'ble Rai Radha Charan Pal Bahadur, the Hon'ble Maulvi A. K. Fazl-ul-Haq, the Hon'ble Babu Mahendra Nath Ray, the Hon'ble Mr. O'Malley, the Hon'ble Mr. Wordsworth, the Hon'ble Mr. Payne. the Hon'ble Rai Priya Nath Mukharji Bahadur, and the mover, with instructions to submit their report in time for its presentation at the December meeting of the Council.

He said :—

"My Lord, in December last when I had the honour to introduce the Primary Education Bill in Your Lordship's Council, nothing gave me greater pleasure than the welcome it received from the member in charge of the education portfolio, Sir S. P. Sinha. He considered that it was a necessary and long due measure and commended my Bill on behalf of Government for the earnest consideration of the Council and the country at large and trusted that there will be a burning desire on the part of every one to contribute to the best of his capacity for the purpose of providing education for the poor. The country has had an opportunity of giving its opinion on the Bill, and it is a matter of sincere satisfaction to me and to those who are interested in the spread of primary education in the province to know that the Bill has received almost the unanimous support of officials and non-officials, public bodies, municipalities and district boards and last but not least of the Calcutta University. There is one other fact which has struck me while going through the opinions which have been forwarded to us by the Legislative Department, and it is this. The Muhammadan Associations throughout the province have with one voice given the Bill a hearty, I may say an enthusiastic, support. While approving of the principle of the Bill very valuable suggestions have been received by Government as regards its detailed provisions. They will no doubt be duly considered by the members of the Select Committee. Some have suggested that the Bill should be so modified as to extend its provisions to girls. To them I can only say let us proceed step by step. I shall first quote the opinions of some of the municipalities because the Bill will principally affect them. In my own district, the district of the 24-Parganas, the Chairman of the Naihati municipality, an European gentleman, writes as follows to the Magistrate of the district :—

'The Commissioners concur with the general principles of the Bill, and do not think that the measure is likely to result in hardship, in view of the safeguards provided in clauses 17 and 18, under which it is contemplated that the payment of fees shall not be obligatory in all cases and that primary education shall be given free of charge in any municipality where Commissioners may in their judgment impose an "Education Cess" with the previous sanction of Government, the revenue derived from it being ear-marked exclusively for this purpose.'

The Magistrate of 24-Parganas writes to the Commissioner of the Presidency Division :—'The Commissioners of the Garden Reach, Baruipore,

* *Vide* Appendix A.

Baranagore, Baduria and Kamarhati municipalities support the Bill as it stands.' The Chairmen of Navadwip, Santipore, Ranaghat and Kustea municipalities intimate that the Commissioners of these municipalities are entirely in favour of free and compulsory primary education being introduced within the municipalities as provided in the Bill. The Chairman of the Krishnagore municipality, Rai Biswambhor Roy Bahadur, and the Vice-Chairman of the Bhatpara municipality, Rai Syama Charan Bhattacharji Bahadur, both approve of the Bill. The municipalities of the Burdwan Division generally approve of the provisions of the Bill. The Howrah municipality, under its able and enlightened Chairman, not only approves of the Bill but has expressed its willingness to impose an education cess, if necessary. The Commissioners of Bally, Hooghly-Chinsura and Serampore, Kutrung, Bansbaria and Arambag municipalities all support the Bill. The opinion of the Chairman of the Champdani municipality approved of by the other Commissioners of the municipality is as follows :—'In my opinion the Bill, if passed, would undoubtedly in time be of the greatest advantage not only to the public but to the country itself.' The Chairman of the Uttarpara municipality, whom I am glad to see in this Council to-day, in supporting the Bill says : 'The importance of mass education as a necessary factor in the political life of a nation has long been recognised,' and he quotes the following passage from Mill's treatise on 'Liberty:'—'Is it not almost a self-evident axiom that the State should require and compel the education up to a certain standard of every human being who is born its citizen ?' The Chairman of the Burdwan municipality suggests that when the Primary Education Act is found to be working successfully within the urban areas, it may be extended to rural areas. The Commissioners of the Raniganj municipality resolved at a special meeting that the provisions of the Bill should be adopted within the municipality. So also those of Kalna and Katwa.

The Commissioners of the Midnapore municipality passed the following Resolution :—'That this municipality accords its complete support of the principles involved in the Bill and holds that the primary education should be compulsory and free, and while assuring the Government of complete co-operation, desires to lay stress on the fact that the income hitherto received is completely ear-marked, and requests it may be apprised of the extent to which state-aid may be expected to enable the municipality to see how the balance, if any, is to be raised.' In the district of Midnapore the municipality of Ghatal thinks that there are no doubt many difficulties that might stand in the way of introducing compulsory primary education in the country. But there is no help for it. The masses should be raised at any cost from the depth of ignorance. Welfare of the people and the country demand that some beginning should be made in the direction. The Bill as framed will afford facility for paving gradually the way to the spread of primary education. Most of the other municipalities of the Midnapore district approve of the Bill. The municipalities of the districts of Birbhum and Bankura support the Bill. In the Dacca division, the Municipal Commissioners of the Dacca municipality approve of the Bill. It has been favourably received by the Municipal Commissioners of Narayanganj, who have passed a resolution that the municipality will be glad to take advantage of the Bill, if passed into an Act, provided the Government be pleased to contribute a reasonable share of the cost in that connection. The Commissioners of the Mymensingh municipality are unanimous in their opinion that primary education should be compulsory in the municipality, and in approving of the general principles of the Bill in the Rajshahi division, the Rampur-Boalia municipality accepts the principle and the main features of the Bill. The Commissioners of the Rangpur municipality are in full sympathy with the object of the Bill and they are of opinion that the Bill, after necessary amendments, should be passed by the Legislature into law. The Commissioners of the Bogra municipality think that there is no difference of opinion about the general principles of the Bill. The Chairman of the Pabna municipality says : 'In my opinion the extension of primary education in all the municipalities in Bengal is a necessity.' The Commissioners of Darjeeling municipality are

in favour of compulsory primary education and support the provisions of the Bill, provided education is made free, while those of Kurseong approve, after careful consideration, of the general principle embodied in the Bill. There are other municipalities in the Rajshahi division which also approve of the Bill.

In the Chittagong division the Municipal Commissioners of Chittagong are of opinion that primary education may be made compulsory provided no education cess is imposed upon municipal rate-payers, whereas those of Cox's Bazar approve of its provisions. In the district of Tippera in the Chandpur municipality the Commissioners resolved that the introduction of compulsory primary education within their municipality be approved, whereas the principle of compulsion and the power of levying additional education cess are generally appreciated. As regards the Noakhali municipality, none of them raised any objection to legislation for the extension of primary education in all municipalities in Bengal.

Having quoted the opinion of many of the municipalities of the Presidency, I shall now quote the opinions of some of the Union Committees. Your Lordship knows that it is sought to extend the provisions of the Bill to municipalities as well as to Union Committees. The Chairman of the Kotalpur Union Committee in the district of Bankura says: 'The labouring classes are most likely to improve and prosper by the spread of primary education among them.' The Chairman of the Polashdanga Union Committee says: 'The Primary Education Bill has been very judiciously drawn up, and if steps be taken, according to the Bill, when it will be the law of the country to make primary education compulsory and free throughout Bengal, then a long-felt want will be satisfied and the aim of primary education will be fully attained.' The Chairman of the Bolepore Union Committee in the district of Birbhum says: 'I perfectly agree with the general principles underlying the Bill which, in my opinion, ought to be passed into law.'

I shall now quote only one paragraph from the opinion of the Corporation of Calcutta: 'That the Corporation approve the principle of the Bengal Primary Education Bill, 1917, in so far as it seeks to make primary education compulsory.' The Calcutta Corporation as well as the Indian Association suggest that there should be a Provincial Education Board to control the whole of the primary education of the Presidency in so far as it is governed by this Bill. My Lord, it was for the constitution of this Education Board that I moved a resolution in Your Lordship's Council on the 4th September, 1917, but it was opposed not only by the officials but also by a large number of non-official members, and at least two of them were also Commissioners of the Corporation of Calcutta, and I now find these members supporting the constitution of an Education Board, probably suggested by the official Chairman.

I shall now quote the opinions of some of the Commissioners of divisions and district Magistrates and subdivisional officers as well as district deputy inspectors of schools who have to do so much with the primary education of the province. The Commissioner of the Presidency Division says: 'So far as municipalities are concerned, I see no reason to oppose the Bill.' The Commissioner of the Burdwan Division writes: 'The municipalities of the division generally approve the provisions of the Bill. The municipalities are reluctant to impose taxation to meet the additional expenditure, and it seems clear that unless Government bears a considerable share of this expenditure very little will be done by the municipalities.' The Commissioner of the Dacca division writes: 'I have consulted the district officers and through them the municipalities and individual gentlemen and associations of local importance in the division. From the opinion received it appears that the Bill is welcomed by almost all classes.' The Commissioner of the Rajshahi division speaks in the following terms about the Bill: 'Non-official opinion is strongly in favour of the Bill. All District Officers support it except Mr. Lindsay, who thinks that the cost will be prohibitive. I do not share these fears. Mr. Ray has made a genuine attempt to solve a difficult problem,

and his Bill deserves the most careful consideration. Its great merit is that it aims, not at improving the education of the literate classes, but at extending elementary education to the illiterate classes. Bengal's greatest need at the present time is to make a practical knowledge of the rudiments of reading, writing and arithmetic universal among the masses, and as quickly as possible. Without this, self-government will be government not by the people but by the demogogues of a bad type; the people will be undone and Bengal will not take any appreciable part in the history of the world. I unreservedly accept the principle of free elementary education. Free education should be suited to the requirements of the masses who cannot afford to pay and who will not ordinarily continue studies further.' The Commissioner of the Chittagong division writes: 'There is a general agreement to the provisions of the Bill. I am in entire agreement with the provisions of the Bill and recommend that it may be passed into law.'

I shall now quote the opinion of some of the District Magistrates. The District Magistrate of the 24-Parganas says that the general desire is not to oppose the Bill but to extend it so as to suit local conditions. My own view is that the Bill should not be opposed. The District Magistrate of Nadia writes: 'Personally I am in favour of the Bill being passed as it stands,' whereas that of Jessore says: 'In my opinion the provisions of the Bill appear to be good enough to begin with.' The Magistrate of Hooghly writes: 'On the whole I think the Bill might be accepted, and it is certainly a move in the right direction.' The District Magistrate of Dacca says: 'The Bill is welcome by all classes and if passed into law there is good reason to hope that it may soon be brought into effect in some parts of the district, and seeing the benefits derived from it, the residents of other areas will gradually become eager to participate.' He also says 'that opinion generally is in favour of the Bill being made applicable to Union Committees.' The Magistrate of Faridpur sees no objection to the introduction of the Act and observes that the safeguards appear to be sufficient and it is an experiment which is worth a trial. The District Magistrate of Rungpur says 'that there is a concensus of opinion both amongst official and non-official gentlemen and public and local bodies regarding the desirability of the passing of the proposed Bill into law. Personally, I am in full sympathy with the objects of the Bill and consider that the draft Bill is suited for the attainments of these objects.' The District Magistrate of Bogra considers that a Bill of this nature is now required and all those whom he consulted are agreed on the point. The District Magistrate of Pabna says that all whom he consulted supported the principle of the Bill. His own individual opinion was that on the existing state of public feeling an Act of the kind has become a necessity. The Deputy Commissioner of Darjeeling says: 'I am strongly in favour of the general principles of the Bill. The introduction of a measure of compulsory education in the more advanced areas of the Presidency is long overdue and it is right that local bodies should be responsible for it, but the cost of compulsory education should, in my opinion, be met by a rate and no fees should be charged.' The Deputy Commissioner of Jalpaiguri thinks that from his own experience of the way in which municipal affairs in some municipalities are managed he considered that any measure calculated to raise the standard of education and intelligence amongst the inhabitants of the towns is a step in the right direction.

In the Chittagong Division, the Magistrate of Tippera says that on the whole he is in entire agreement with the provisions of the Bill, whereas the Magistrate of Noakhali says that the public are generally in favour of the measure.

I shall now quote the opinion of some of the district deputy inspectors of schools. It is they who are in charge of whatever primary education there is in the Presidency and their opinion is therefore valuable. The district deputy inspector of schools of Rungpore observes: 'It cannot be gainsaid that compulsory education is the only means to uplift the masses of the people steeped in

ignorance, and, as such, it should be introduced not only in municipalities but district board areas also. In my opinion, the provisions of the Bill offer sufficient safeguards to any oppression on poor and indigent persons. It might have been argued that compulsion without exception would bring distress to those who cannot depend on the earnings of boys of school-going age, or who are not in a position to pay for books, papers, etc., but in the face of clause 16 such an argument will not hold. I for one would like to see compulsory primary education introduced in those areas also where Union Committees have been established, along with the municipalities in view of the fact that in those places greater funds are available to help the introduction of the system and that the surrounding people would then be able to realise its importance and necessity and thus like it.' The deputy inspector of schools of Bogra says: 'The clauses of the Bill which aims at the extension of primary education will serve the purpose for which they are intended and have no objectionable features in them.'

The district deputy inspector of schools of Burdwan is of opinion that the provisions of the Bill have generally been most carefully and cautiously prepared and as such they may be passed. As regards Inspectors of Schools, I find that the Inspectors of Schools of the Rajshahi and Chittagong Divisions approve of the Bill in its present form, whereas that of Burdwan approves of the Bill with certain modifications. The Assistant Director of Public Instruction for Muhammadan Education observes: 'As general compulsion is not possible at present the choice of municipalities for the experiment is wise.'

Many of the subdivisional officers have generally approved of the provisions of the Bill.

The British Indian Association suggests that the scope of the Bill should be limited to the mufassal municipalities of the Presidency The Bengal Landholders' Association give it their entire support. They consider that in a province like Bengal primary education is a vital necessity for the elevation both of the intellectual and social welfare of its people. The North Bengal Zamindars' Association fully sympathise with the object of the Bill and generally approved of the scheme as contained in the same. The Indian Association have given their whole-hearted sympathy with the objects and aims of the proposed Bill.

It is a matter of great satisfaction that the Muhammadan Associations of the province have with one voice expressed their approval of the Bill. One of the Associations suggests that the operation of the Act should be extended at once to Union Committees. The Muhammadan Association of Rangpur fully approve of the Bill and would like to see it passed as soon as possible. The Provincial Muhammadan Association of Dacca observes: 'There is no gainsaying the fact that illiteracy in this land is almost scandalous, and illiteracy among the Moslems is unfortunately more deplorable than among any other community in India. It being so, the principle embodied in the Bill has the whole-hearted support of the Association.'

The Calcutta University agrees with the principle of the Bill in so far as it aims at making primary education compulsory. Some gentlemen connected with Co-operative Credit Societies warmly welcome the Bill. A large number of non-official gentlemen were invited to give their opinion and they have done so. They are generally in favour of the Bill. I shall quote only two of them. Maharaja Kshounish Chandra Roy Bahadur of Nadia generally approves of the provisions of the Bill. Rev. Dr. Sutherland of Darjeeling observes: 'Such a modest measure seems an excellent introduction to some sort of compulsory primary education. The Bill, I hope, will soon be passed and action taken throughout Bengal. It will be a great thing to have a beginning made.'

If there have been in some instances—and they are few, very few—any note of dissent against the Bill it is on account of the poverty of the country. There are some who think that the country is too poor to afford to pay for

primary education and they are against the imposition of an 'education cess.' To them I can only say that I am fully aware of the poverty of the country and difficulties in the way of promoting education, specially among the masses. Without substantial help from Government the work of education, specially primary education, cannot spread. But we have got the example of the Bombay Government before us. As soon as the Bombay Primary Education Act came into operation the Governor in Council wisely announced in Council that substantial provision would be made in the Budget for carrying out the policy of introducing free and compulsory education in those municipalities proposing to take advantage of the new Act.

We all know that primary education is one of the subjects to be included in the transferred subjects under the Reforms Scheme. It will then be the duty of the members of Councils to find out ways and means to make primary education a success in the country. I have already quoted the opinion of the Commissioner of the Rajshahi division. He is probably in a position to speak with greater authority than many of us because he is no other official than Mr. Samman, who was only the other day the Secretary in charge of the Education Department of this Government I cannot resist the temptation of quoting another portion from his letter to Government on the Bill, because, I think, he has clearly demonstrated and that within a few lines that the cost of introducing primary education in municipalities will not be prohibitive. This is what he says: 'All district officers support it (the Bill) except Mr. Lindsay, who thinks the cost will be prohibitive I do not share these fears. At the last census, boys between the ages of six and ten formed about 6·32 *per cent* of the total population, and according to the last report of Public Instruction in Bengal, lower primary education cost Rs. 3 *per* head a year. The cost of teaching all boys between the ages of six and ten the rudiments of reading, writing and arithmetic should, therefore, not exceed Re. 1 for every five of the total population. This is about the cost of the village watch. Municipalities already spend more than a lakh of rupees a year on education of all sorts. With a population of less than two millions only four lakhs would be required for universal free education of boys between the ages noted. The difference of three lakhs represents an incidence of 2½ annas a head of the municipal population of Bengal, outside Calcutta.' My Lord, there is a class of critics in this country who consider that primary education cannot be made compulsory in the country and as such the Bill ought not to be supported because the money necessary for the proper accommodation, proper equipment and proper staff would not be forthcoming. There is an idea among some of the critics of the Bill that unless you have marble palaces for accommodation, mahogany chairs, tables and benches and a library with up-to-date standard books and Smith prizemen as teachers, primary education cannot and ought not to be introduced. They forget that the class of boys who will attend these schools live in huts and that if they read in a school which has a hut or couple of huts for accommodation they will not be worse off and they will not consider it *infra dig.* They lie and sit upon mats in their houses and it will not be beneath their position if they have to sit on mats in schools. The old Guru Mahasaya or the class of teachers who now form the teaching staff of the existing primary schools of the province will be sufficient. We do not want expensive board schools for boys for whom the Bill is intended. Theirs will be the short and simple accommodation and equipment for the poor. India has been a seat of learning from time immemorial. The Rishis of old never imparted their education in palaces. Naya, Sankhya and Patanjal were taught in huts, on naked floors and amidst blank walls. Poor school accommodation and poor school equipment never stood in the way of ourselves or our fathers from getting the benefits of education in our boyhood. There are primary schools at present in the whole of the province scattered over municipal as well as rural areas. There is an Education Committee attached to each district board. The result of passing of the Primary Education Bill will be practically to increase the number of such schools and to compel boys of school-going age residing within municipal areas and within Union Committees to attend schools.

These are, My Lord, the very critics who say in season and out of season that self-government cannot be given to the Indians because the masses are uneducated. But when an attempt is made for the spread of primary education in the country they try to lay down certain impossible conditions under which alone they say primary education can and ought to be given.

It is a matter of regret that primary education has not made that progress in British India which it has made in some of the Indian States. In answer to my question I received the following reply from the Commissioner of Education, Baroda State, only in August last :—

'(1) that primary education is free and compulsory in the Baroda State, (2) that the State bears all the expenses of such education, (3) that it is compulsory in respect to both boys and girls and (4) that the standard age of admission to schools under the compulsory Act is seven complete years in the case of boys and girls; but that the age for leaving schools is complete fourteen years for boys and twelve for girls.'

A similar reply has been received by me from the Mysore Government. The Secretary to the Education Department of the Mysore Government has written to me as follows :—

'The introduction of the Compulsory Education scheme has been sanctioned in the case of 238 centres and the scheme is in full operation in 144 centres. Primary education is free in all the Government schools, but small contributions from the villagers are levied in the case of village aided schools.'

There are some who consider that primary education should first be on a voluntary basis, that there must be sufficient number of schools in the province before the compulsory system is sought to be introduced. I think if they carefully go through the provisions of clauses 3 and 4 of my Bill they will find that, whereas it is sought to invest Municipal Commissioners with power to declare primary education compulsory within the municipality or any part thereof under clause 3 of the Bill, clause 4 of the Bill expressly lays down that no such notification can be issued unless the Commissioners have made such provision as the Local Government consider necessary and sufficient for the primary education of all children within the area mentioned in the notification for whom such education would be compulsory on the issue of such notification. It will therefore be seen that not only the Municipal Commissioners will have to take necessary steps to provide schools and make other provisions for primary education of boys but that they should satisfy Government that this has been done, and it is only when Government are satisfied that the notification empowering Municipal Commissioners to declare primary education compulsory shall be issued. If you leave the matter of primary education to the voluntary system it will never spread, it will never prosper. It has not done so in any country and it cannot be expected to do so in India. I find that the number of those under elementary education in Baroda has risen greatly since compulsion was introduced and now stands at 12 *per cent.* of the population.

That the Government of India have been taking a sincere interest in the primary education of the country is well known to everybody. In February 1918, in opening the Imperial Legislative Council, His Excellency the Viceroy said :—'Of education at the other end of the scale—of primary education—I made some mention in addressing you last September. I said that we were agreed that a definite advance must be made in this sphere, and it was only the fact that there were other connected problems awaiting solution which prevented my giving an indication of the policy which we had in view on this most important question. The support of primary education is a function of local bodies and its extension is, in the main, an operation of finance. While, therefore, the future powers of local bodies and the future relations of local, provincial and Imperial finance are still undetermined,

it is, as you will readily understand, a matter of no small difficulty to set forth a definite policy of future development for our primary schools, and it will be necessary for us to wait a little longer before we can take definite steps for the realisation of such a policy. In the meantime, we have determined to place no obstacle in the way of such local legislatures as may decide on any reasonable measures to forward the same end, whether those are the precise measures which we would ourselves be prepared to initiate or not. The last few months have accordingly seen the first beginnings of legislation to allow of compulsory education in this country. A private Bill has been introduced and passed into Law to admit of the adoption of compulsion by district municipalities in Bombay. Arrangements have been made for the introduction of similar Bills in Bengal, and in Bihar and Orissa. The Punjab Government has drafted a Bill dealing with the same subject on comprehensive lines and has published it for criticism. I need hardly say that I shall watch with deep interest the use which local bodies make of the powers conferred upon them by measures of this description.'

The Industrial Commission have recommended universial primary education in India.

My Lord, we are now passing through a critical period in the history of our country. The dawn of a new era is breaking. Industrial development and popular education will bring about a state of things which it is the desire of the best well wishers of the country to effect and which they are striving to attain. There is a cry to elevate the depressed classes and I need hardly say that this can be done only by educating them. Lord Chelmsford and the Right Hon'ble the Secretary of State have justly said in the Report on Indian Constitutional Reforms : 'There is an immense work of education to be done throughout the countryside. Everything that tends to waken the Indian raiyat's intelligence, that helps him to be an independent self-determining man, everything that breaks down the barriers between communities and makes men regard each other as neighbours, and not as the wearers of some caste or creed insignia, hastens on the day when self-government within the Empire will be attained. All this is work that the educated Indian can and ought to undertake.'

The reasons and arguments that I have had the honour to lay before Your Excellency and the Members of this Council, I believe, must have brought conviction to their minds as to the vast importance of educating the masses of the people, for in education alone lie the germs of the progress and advancement of a country in its political, economic and social spheres. It is this advancement that I have sought to bring about by the introduction of this Bill and it remains for Your Excellency to give life and animation to the scheme and to make the country you have the honour of governing a power in the world."

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord. I rise to add my humble voice to the general chorus of approval that has been given to the Bill introduced in this Council by the Hon'ble Babu Surendra Nath Ray. The special reason why I wish to speak is, that this Bill interests the members of my community more than that of others, and that the general approval which Muhammadans of all shades of opinion—those who are politically minded and those who are not—have accorded to it shows that there is a great demand for the introduction of a measure like this among Muhammadans. Some time ago when my friend the Hon'ble Maulvi Fazl-ul Huq tried to introduce a Bill in this Council for the levy of an Education Cess on Muhammadans, and although it was received sympathetically by Your Excellency's government, the Bill could not be introduced owing to the opposition of the Government of India. I believe, my Lord, that the introduction of this Bill will, to some extent, satisfy the demand made and will do the work which was intended that we would be able to do by the imposition of an Education Cess. I only wish to

submit to Your Excellency's government that so far as the Muhammadans in general are concerned, the extension of the provisions of the Bill to municipalities only—of course it will be of some advantage to have it extended to some municipalities—will not be of much use unless it can be extended to rural areas, and I hope that the Select Committee will take the matter into consideration and will see their way to extend it to rural areas in the near future. With these few words, I support the motion."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, I have only to say on behalf of Government that Government are agreeable to the reference of the Bill to Select Committee. In Committee certain suggestions will be put forward on behalf of Government and it will be necessary also to consider many suggestions made by the gentlemen and public bodies to whom the Bill had been circulated for opinion. Many of these suggestions are of so detailed a nature that they can best be considered across the table in Committee, at least in the first instance, and of such importance that their inclusion in the Bill would considerably modify the principle on which the Bill is based. For these reasons Government propose to offer no further observations now, and to reserve the definition of its attitude until a later stage."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 5.

THE BENGAL TENANCY (AMENDMENT No. 2) BILL, 1918.

The Hon'ble MR. CUMMING moved that the Bengal Tenancy (Amendment No. 2) Bill, 1918, be referred to a Select Committee consisting of the Hon'ble Mr. Kerr, the Hon'ble Mr. Stevenson-Moore, the Hon'ble Mr. Duval, the Hon'ble Rai Priya Nath Mukharji Bahadur, the Hon'ble Mr. Altaf Ali, the Hon'ble Khan Sahib Aman Ali, the Hon'ble Mr. P. C. Mitter, the Hon'ble Rai Sri Nath Ray Bahadur, and the mover, with instructions to submit their report in time for its presentation at the December meeting of the Council.

He said :—

"Your Excellency, opinions have been received on the Bengal Tenancy (Amendment No. 2) Bill, 1918, which was introduced in this Council in July last, and the next stage would naturally be that these opinions should be considered in Select Committee. I therefore beg to move this motion."

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said :—

"My Lord, this is another patchwork amendment of the Bengal Tenancy Act within the year. When the first one was brought before the House, I objected to this sort of patchwork legislation. The Bengal Tenancy Act requires a thorough overhauling to secure a harmonious co-operation and mutual understanding between the landlords and the tenants. Instead, I find, with grave concern, that only such amendments are being brought forward before the Council, which are only advantageous to the raiyats. I do not grudge them their good fortune, but I most respectfully submit that this kind of preferential treatment cannot but engender a feeling of bitterness and resentment in us, and in the long run must widen the gulf of misunderstanding and distrust between the two great communities vitally interested in land. But let me hope, My Lord, that before Your Excellency leaves Bengal something will be done to foster a more pleasant relationship between the zamindar and his raiyat.

I now turn to the proposed legislation before the House. It involves two important questions. *First* it imposes a further reduction on the right of contract of the people, a right which is an essential factor in the economic development of our lands. *Secondly*, it proposes to carry a retrospective effect along with it to the utter disregard of the interests of the people who based their land transactions on documents hitherto held valid by High Court rulings. It was on the grounds of public policy that in 1885, the freedom of contract as to rents and other incidents of tenancy, was taken away from the raiyats. It is on the same grounds again, that further restrictions on the right of contracts as to cesses, are being imposed. 'On grounds of public policy' is a very convenient phrase as it saves a good deal of explanation and furnishes an excellent cover against unpleasant criticisms. But I cannot help remarking that the restrictions imposed in 1885 are primarily responsible for our apathy towards the agricultural development of our lands. Who would care to invest capital on land improvements, when no agreement between him and his raiyat as to the returns on his outlay, could be valid in the eyes of the law? My Lord, after an experience of 35 years, we expected that the Government would realise the disastrous economic consequences of curtailing the freedom of contract, and that there would be a change in the angle of vision regarding the matter; but instead I find that Government is bent on perpetuating its policy by extending the restrictions to contracts regarding cesses.

The other matter involved in this legislation is rather serious. I mean the question of giving a retrospective effect to its operation. I wonder the unfairness of the whole thing was not apparent to the learned framers of the Bill. It is like punishing the people for the blunder of the official law-scribes of 1885. How can the Government set at naught, by the stroke of of a pen, a claim which was hotly contested in the highest court of the land and allowed. My Lord, whatever the all-powerful Executive might think of a peoples' right, British Justice does not fail us. Let me read what the Hon'ble Judges of the High Court say on the subject, in their notes dated the 5th August 1918 :—'Retrospective operation of the section would also effect persons who have dealt with properties on the basis of contracts which have hitherto been declared valid by courts of law.'

After this, I think I may safely hope that the Select Committee would set the matter right.

Then, my Lord, there is another little matter to which a passing reference should be made. I refer to paragraph 3 of the Statement of Objects and Reasons, which says that this legislation will not affect permanent leases. But it is not so. Section 179 of the Bengal Tenancy Act on which this statement is based does not apply to permanent leases created before the said Act came into operation. There is also no saving clause regarding contracts by rent-free holders. I think that these defects should be removed by clear and unambiguous provisions in the law."

The Hon'ble MR. CUMMING said :—

"My Lord, referring to the remarks of the Hon'ble Member regarding certain details of the Bill, I can give him every assurance that the points which he has mentioned will receive due attention. Possibly in some of them he will find that there is a misapprehension which I trust we shall be able to remove. As regards the main question, namely, that this is a piecemeal legislation, of course that canno be denied. No one is more conscious than I am and the Bengal Government too, that before any large change in the Tenancy Act be affected, it will be necessary to have another Rent Law Commission. Until such a thing can be completed, we can only carry out changes, as we find it necessary to do so."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 6.

THE CALCUTTA HACKNEY-CARRIAGE BILL, 1918.

The Hon'ble MR. O'MALLEY moved that the Report of the Select Committee on the Calcutta Hackney-carriage Bill, 1918, be taken into consideration.

He Said :—

"My Lord the most important question which arises out of the report of the Select Committee is whether control should be transferred to the Commissioner of Police or remain with the Corporation. This question is dealt with in the motion about to be moved by the Hon'ble Rai Radha Charan Pal Bahadur to which I shall reply on behalf of Government. I hope then to explain the attitude of Government towards the proposal for transfer."

LIST OF BUSINESS—ITEM No. 7.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR moved, by way of amendment, that the Bill, as amended by the Select Committee, with the Report of the Select Committee, be republished.

He said :—

"My Lord, my object in moving this amendment is this : that the Bill as originally published and which was circulated to public bodies and local authorities concerned, for their opinion. did not contain, this most important provision, that the administration of the Hackney-carriage Department be transferred from the Corporation to the Commissioner of Police. On this point, the public bodies who were invited to give their views on the original Bill had no opportunity to express their opinion nor had the municipalities concerned. Of course, Sir, I am aware that the two public bodies, namely, the Bengal Chamber of Commerce and, I believe, the Calcutta Trades' Association, and also the Corporation by a bare majority—the suggestion in the case of the Corporation came from the Chairman first,—agreed to the transfer of the administration of the Hackney-carriage Department to the Commissioner of Police; the Corporation making it a special condition that as a *quid pro quo* the Calcutta Fire Brigade should be transferred to them. On that condition they consented to the proposal. I think, my Lord, that this is a must fundamental change in the Bill and therefore this Bill should be republished, and that the opinions of the public bodies and municipalities concerned should be invited on this most important point.

The Hon'ble MR. O'MALLEY said :—

My Lord, in reply to this motion I may remind the Council of the long time this Bill has already been under consideration. The present Act was passed in 1891, and since then various proposals had been brought forward from time to time with the object of improving the hackney-carriage service in Calcutta. Eventually the Calcutta Corporation appointed a special Committee in 1910 to consider the whole question In 1911 their proposals were submitted to Government with a recommendation that the Act should be amended so as to ensure stricter control of the service and enable improvements to be made in it. The proposals of the Corporation were generally accepted by Government, and an amending Bill was prepared and sent to the Corporation for their views in 1912. They replied in February 1913, asking for the acceptance of certain recommendations and suggestions almost all of which were agreed to by Government. In the meantime, the Commissioner of Police proposed that the Hackney-carriage Department should be transferred to his control. The Corporation were consulted, but at that time they were opposed to the proposal and the idea was dropped. Further alterations and additions were made in the Bill, which was at last introduced in Council

in July 1916 and referred to a Select Committee. The Select Committee came to the conclusion that the Bill did not go far and that a more extensive measure was necessary. A new consolidating and amending Bill was then drawn up, in accordance with the suggestions of the Select Committee, embodying the provisions of the former Bill as well as other modifications which were found necessary. The Bill, which is now before Council, was eventually introduced in February 1918.

It is now eight years since the special Committee of the Corporation dealt with the question of improving the Hackney Carriage service and it cannot be said that there has been precipitate haste over this legislation. If the Bill was republished, there would be still further delay without any corresponding advantage. It cannot be said that the question of the transfer of the control to the Police is a new one; it has been under discussion from time to time for the last eight years. It has been more recently considered by the Corporation and the Commissioner of Police. It has been specially dealt with by different public bodies in giving their opinions on the Bill. If the Bill were to be republished, it would only enable any one who wished to do so to volunteer his views on its provisions. There would be no circulation of the Bill to the different local bodies or associations; and the practical effect would be to postpone still further the enactment of a measure which has been pending for eight years. I would therefore deprecate further delay and urge that the question be settled in Council without republishing the Bill.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said:—

"My Lord, I am fully aware of the history of this measure as described by the Hon'ble Mr. O'Malley; but my Lord, if the Bill as originally drafted and placed before the Council in 1916, and considered by the Select Committee, had been before us, and if the original Bill as introduced before it was committed to the Select Committee had been before us with other amendments without this fundamental change involving the transfer of the administration *en bloc* from the Corporation to the Commissioner of Police there would have been no necessity for moving for the re-publication of the Bill. The Hon'ble Member is well aware that this most important proposal was not in the original Bill which was published in the *Calcutta Gazette*, and on which Government invited the opinion of the public bodies and the Municipalities concerned. The Hon'ble Member has stated that the Commissioner of Police had been asking for the transfer of the administration of the Hackney Carriage Department from the Corporation into his own hands. The Corporation was opposed to it; but, of course, the Corporation, constituted as it is, can easily change its views by a bare majority and I believe I shall not be far wrong if I say by the casting vote of the Chairman. As this is a radical amendment of the Bill, I think this Bill should be republished. My original motion as I sent it to the Legislative Secretary, suggested, that the Bill should be republished and circulated to the Public bodies and local authorities for an expression of their opinion on the proposal to transfer the administration of the Hackney Carriage Department from the Corporation to the Commissioner of Police. I understand that there are some technical difficulties in moving the amendment in that way according to Rules. This amendment has been put in this shape under the advice of higher authorities; but my main object is to have public opinion on this subject. The Hon'ble Mr. O'Malley says that even if the Bill is republished, it will not be circulated to public bodies—if I understood him aright. I do not think, my Lord, that Government should assume such an attitude. If the Council consents to the re-publication of the Bill, there will be no loss to Government if the attention of the public bodies and local authorities concerned is drawn to the important change and their opinion asked for. I do not think it will involve much clerical work in the office of the Hon'ble Mr. O'Malley, it will take only half a minute to obtain the Secretary's or the Under-Secretary's signature to it. On these grounds, my Lord, I would press my motion. I reserve my remarks on the merits of the question in connection with further amendments.

The motion was then put to the vote and a division was taken with the following result :—

Ayes—16.

The Hon'ble Mr. Aminur Rahman.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Sir Deba Prasad Sarbadhikari, KT., C.I.E.
" " Rai Radha Charan Pal Bahadur.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " Rai Sri Nath Ray Bahadur.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " " Kishori Mohan Chaudhuri.
" " " Ambika Charan Mazumdar.

Noes—23.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Major-General, W. H. B. Robinson, C.B., I.M.S.
" " Mr. J. Donald, C.I.E.
" " Mr. L. S. S. O'Malley.
" " Mr. H. P. Duval.
" " Mr. M. C. McAlpin.
" " Mr. F. A. A. Cowley.
" " Mr. W. C. Wordsworth.
" " Mr. F. C. Payne.
" " Mr. S. G. Hart.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. J. Mackenzie, O.B.E.
" " Mr W. H. H. Arden-Wood, C.I.E.
" " Babu Siv Narain Mukharji.
" " Kumar Shib Shekhareswar Ray.
" " Mr. Arun Chandra Singha.
" " Mr. F. W. Carter, C.I.E., C.B.E.
" " Mr. W. S. Crum, O.B.E.
" " Mr. E. B Eden.

The following member abstained from voting :—

The Hon'ble Babu Mahendra Nath Ray, C.I.E.

The following members were absent :—

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. C. H. Bompas, C.S.I.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Nilratan Sarkar, Kt.
" " Mr. J. W. Hely-Hutchinson.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Mr. G. A. Bayley.
" " Mr. H. R. A. Irwin, C.I.E.
" " Altaf Ali.
" " Babu Akhil Chandra Datta.
" " Mr. K. B. Dutt.

The Ayes being 16 and the Noes 23, the motion was lost.

LIST OF BUSINESS—ITEM No. 8.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR moved, by way of amendment, that the Bill as amended by the Select Committee, be recommitted to the Select Committee for modification of the Bill so as to provide for the retention by the Corporation of Calcutta of their control over hackney-carriages, and for that purpose to amend clauses 6, 7, 17(*2*), 30(*2*), and other clauses of the Bill.

He said :—

"My Lord, in this connection I have to acquaint the Council with the history of this legislation : it is, indeed, well known to some of the members of this House. It was in 1864 that the first Act was passed called 'the Hackney-carriage Act' to restrain the extortion of native livery-stable-keepers, to provide a regulated scale of fares and otherwise to place the relations of the carriage-hiring community and the owners and drivers of gharries on a satisfactory footing. Then, in 1878, an amending Act was passed, authorising the local Government to place the administration of the Hackney-carriage Act under the control of the Corporation of Calcutta : that is to say, from 1864 to 1878, the administration of the Hackney-carriage Department was under the Commissioner of Police ; but in 1878 an amending measure which is ordinarily called Mr. Reynold's measure was introduced. It authorised the Local Government to transfer at its discretion the administration of the Hackney-carriage Department from the Commissioner of Police to the Corporation of Calcutta. My Lord, that was merely the power of delegation that was vested under that Act in the Local Government, and the Local Government, in exercise of their power, transferred the administration of that department to the Corporation in 1878, and from 1878 to 1891 the Corporation administered the department under the delegated authority of the Local Government. In 1891 a Bill was introduced, on the representation of the Corporation, asking for several modifications of the Act of 1878 with a view to more efficient administration of the Hackney-carriage Department.

In introducing this Bill, the Hon'ble Mr. Cotton observed :—

'The Municipal Commissioners of Calcutta, responding to the public sentiment on the subject, took the matter into their consideration last autumn, and appointed a Committee to enquire into the working of the Act and to suggest amendments. In this Committee, the leading members were two representatives of the Trades' Association—Mr. Phelps and Mr. Remfry—and it is to those gentlemen in particular, as well as to the Committee in general, that the thanks of the Calcutta community are due for working out a scheme to improve the working of the hackney-carriage service of Calcutta. The Committee sat several times and their report was laid before this Government on the 30th of March last. Their recommendation was that legislation should be resorted to and that further powers should be given to the Corporation to carry out the objects of the Act. It was felt by the Government that it was very necessary to assist and encourage the Corporation in their praiseworthy endeavours to improve the administration of the hackney-carriage service, and no time was lost therefore in preparing a draft measure and in obtaining the permission of the Government of India to introduce it into this Council.'

Further in another part of his speech, he said :—

'That Act (*i.e.*, Mr. Reynolds' Act) empowered the Local Goverment to make an order authorising the Corporation to exercise the powers exercised by the Commissioner of Police, and under that law the necessary order was passed ; and since 1878 the registering office and the administration of the Hackney-carriage Act have been transferred from the Commissioner of Police to the Municipal Commissioners of Calcutta.'

Then, My Lord, he said :—'The first of the changes effected under the new Bill is to lay down that the working of the Act is to be entirely under the control of the Corporation of Calcutta.'

My Lord, I need not tire the Council by quoting the opinions of Government and of the public bodies concerned on the labours and untiring efforts of the Corporation of Calcutta to improve the hackney-carriage service, but it will be seen from the speech of the Hon'ble Mr. Cotton, who was the Member in charge of the Bill, that Government was so fully satisfied with the working of the Hackney-carriage Act by the Corporation, that they not only

amended the Act of 1878 with a view to place the entire working under them, not by a mere delegation from the Local Government, but as a matter of right conferred upon them statutory authority to control the administration of the Hackney-carriage Department: that took place in 1891. In these days of constitutional reforms, the withdrawal of that authority is a striking example of retrogression. The Hon'ble Mr. Cotton observed that the most important thing was the framing of bye-laws. The bye-laws used to be framed by the Commissioner of Police and sanctioned by the Local Government; but Mr. Cotton stated that the bye-laws would be framed by the Municipal Commissioners of Calcutta subject to the approval of the Local Government. Now, My Lord, those were the two important changes made in 1891. In 1891, these important changes were made to encourage a popular body to discharge the duties much more zealously; and in 1918 it is proposed to go back to the old system—to take away the powers which they possessed and which they exercised so efficiently—with a view to restore the one-man rule, because the Commissioner of Police has for some years been trying to get that power; and he has however succeeded now in getting it, although Government has not yet expressed any decided opinion on the subject. Look at that picture and this picture. I find on looking through the list of transferred and reserved subjects in the Chelmsford-Montagu scheme that the administration of the Hackney-carriage Department is included in the list of transferred subjects. Well, in the face of that and in the face of the improvements that have been made by the Municipal Commissioners, I do not think that this should be transferred back to the Commissioner of Police.

Then, My Lord, in 1914 the Corporation did not agree, in 1918, the Corporation as constituted at present is of such a chameleon character that it has changed its views. At the beginning of the year when the question was first raised at a Committee meeting, Mr. Phelps stated that the hackney-carriage service had attained a certain amount of efficiency after many years and the Police had a lot of important things to do, and he therefore failed to see what advantage would accrue from the transfer. Of course, My Lord, this opinion gradually metamorphosed and underwent a change. The Hon'ble Raja Hrishi Kesh Law, representing an important section of the community, thought that the public would not like the transfer, because they would not be able to approach the Police so easily as the Corporation. That is a fact, My Lord. It is not very difficult to approach the Chairman, because he sits in our midst and he can be heckled. If any one wants to see the Commissioner of Police, he will have to pass through a number of *Barkandajes* and policemen. My nerves shake within myself to go and see the Commissioner of Police and to acquaint him with our grievances. Therefore, My Lord, even if it is said that it should be in the hands of a very high officer, I do not think that the Chairman of the Corporation is in any way an officer who occupies a position lower than that of the Commissioner of Police or has less administrative capacity. My Lord, it may be said, and I anticipate it that as the Police regulate the traffic the Police should have the registering business in their own hands. My Lord, private carriages are registered by the Corporation and carts are also registered by them. To direct the traffic '*dyna jao*' or '*bya jao*' is quite different from the registration of carriages which requires looking into the condition of horses, carriages and other things. The Corporation have got an expert department with an expert officer—a European—with some European and Indian assistants as Inspectors. It is admitted on all hands that there have been some steady improvements, what have they done that this department should be snatched away from them and handed over to the Commissioner of Police? It will be seen that since 1895 the Corporation have always been keeping an eye on this administration. In 1895 the Corporation appointed a Committee; and in 1910 they appointed another Committee, they have always been thinking about this matter how to improve the hackney-carriage service—and they have done a lot in this matter. The outcome of the latest Committee of 1910 was the Bill that was introduced in 1916. If the Bill that was introduced in 1916 had been passed and if the Select Committee had not on the further suggestion of the Corporation

made certain material alterations which in the opinion of the Hon'ble Nawab Syed Shams-ul-Huda, the then Member in charge of the Bill, did require the sanction of the Government of India, this question of transference to the Commissioner of Police would not have arisen. But, unfortunately, the Bill had to be sent back to the Government of India for sanction. That sanction was obtained with reference to certain provisions of the Bill and there would have been no trouble about this Bill but in the intermediate stage when the redrafted Bill came, the attempt was again revived by the Commissioner of Police and supported by others to secure the transfer of the administration of the Hackney-carriage Act to the Police. My Lord, of course I admire the tenacity of the Commissioner of Police :- the Commissioner of Police has won and his tenacity has been rewarded. I hope the Hon'ble Council will wait and pause before it gives its final seal to this proposal. My Lord, I do not want to cast any reflection on the Commissioner of Police. I should like to read to Your Excellency the observations of one or two members of the Calcutta Corporation who are members of the Trades' Association and who have taken a good deal of interest in the matter of the administration of the Hackney-carriage Department. Mr Shelton said 'that the control exercised over the taxi-cabs in Calcutta was not as it should be. There was no classification of the taxi-cabs, no uniformity in the dress of the drivers, and no inspection of fittings or machinery. He, therefore, suggested that the taxi-cabs should be brought under the control of the Corporation.' Further, Mr. Shelton said : 'When this question of controlling the taxi-cabs in Calcutta was discussed previously, it was thought that under the Police they would be more efficiently managed ; but it proved otherwise. As they had a well-organized department in the Corporation, namely, the Hackney-carriage Department, he thought they could very efficiently deal with the taxi-cabs. These vehicles were generally in a dirty condition, and therefore, stricter supervision was necessary.'

My Lord, it will, therefore, be seen that even some of the European Commissioners, representatives of the Trades' Association on the Corporation, were not quite satisfied with the administration of the Police in regard to taxi-cabs, and having regard to this fact and to the fact that the Corporation of Calcutta managed the Hackney-carriage Department for the last 40 years so satisfactorily, received encouragement and encomium from the public and Government, I do not see why in this progressive year—the year of our Lord one thousand nine hundred and eighteen—we shall go back to the period anterior to 1891. Your Excellency is presiding over our deliberations in this Council here as an impartial dispenser of justice, and I appeal to Your Excellency's sense of justice. If Your Lordship thinks that my submission has appealed to you, I hope you will kindly veto the proposal. The administration of the Hackney-carriage Department is a small matter, it will neither increase the prestige of the Commissioner of Police nor invest him with any higher authority than he already possesses. We, the children of the soil, are fighting for some little crumbs of power and Self-Government from the British Government and I hope, My Lord, that the little crumbs which we possess will not be taken away from us."

The Hon'ble MR. O'MALLEY said :—

My Lord, Government are unable to accept this motion, and I propose to give a full and frank explanation of their reasons for opposing it. The control of hackney-carriages, palanquins and rickshaws in Calcutta is a matter merely of local administration, and being a local matter Government thought it would be better not to come to any decision before it received the report of the Select Committee, on which there was a strong majority of members with local knowledge. There were only four official members on the Committee, and, they had no mandate from Government. With the exception of the Hon'ble Member in charge of the Bill, the official members were either past or present officers of the Corporation. On the other hand, there were seven non-official members fully representative of the interests of Calcutta and other municipalities, such as Howrah and Hooghly-Chinsurah. I mention these

facts to show that Government gave practical expression to its belief that this was a measure which should be dealt with in Select Committee by those who have local knowledge, local experience and local interests to represent. The report of the Select Committee showed that, with only three dissentients, all the members, official and non-official, were in favour of transfer of control to the Commissioner of Police. All but two of the residents of Calcutta advocated it. The views of the Select Committee so constituted naturally carried weight with Government. Government were also impressed by the arguments in favour of making the Commissioner of Police the controlling officer as well as by the fact that the two authorities concerned, the Corporation and the Commissioner of Police, agreed to it, while important associations like the Chamber of Commerce and the Trades Association had advocated it. Although therefore the Bill introduced by Government provided for the continued control of the Corporation, Government felt that they should agree to the recommendations of the Select Committee.

It is an acknowledged principle that the Police are responsible for the safety of the public streets. On this account, the control of vehicles plying for the hire of passengers in the streets, hackney-carriages as well as taxi-cabs, is vested in the Police in nearly all large cities. Not to multiply instances, this is the case in London and Rangoon. It scarcely needs demonstration that the existence of a single superior authority serves to secure efficient supervision and regulation of vehicular traffic, which cannot be so well secured under a system of dual control, under which also there are possibilities of friction. Calcutta has been in the anomalous position of having its taxi-cabs regulated by the Commissioner of Police and hackney-carriages by the Corporation. The Commissioner Police in his opinion on the Bill pointed out the practical inconvenience he is put to in effecting the arrest of drivers. He is ready to take over control not because he is anxious to increase his work, but because he considers that a distinct improvement would be affected thereby, which would be in the best interests of the public. The Corporation has also consented to the change. It is true that it also desired to have the transfer of the Fire Brigade made over to it and that Government cannot at present give any promise about that matter although it realises that there is much to be said in favour of the proposal. The amendment of the Licensed Warehouses and Fire Brigade Act would be necessary in order to enable the control of the Fire Brigade to be made over to the Corporation, and Government must ascertain the views of Howrah and suburban Municipalities, which contribute to the upkeep of the Brigade as well as Calcutta, before agreeing to an amendment of the Act. Their views have been asked for and after they are received Government will consider whether it should undertake legislation: the Howrah muncipality has already replied and declared itself in favour of the proposal.

Apart from the question of the transfer of the Fire Brigade, Government is satisfied that the transfer of the control of hackney-carriages and the licensing of drivers to the Commissioner of Police would be a move in the right direction as securing unity of control over traffic plying for hire of passengers in the streets of Calcutta—bullock carts, which are intended for the transport of goods and not of passengers, are outside the scope of the Bill. The arguments in favour of vesting the control of public vehicles in the same authority have been forcibly and clearly presented in the letter of the Chamber of Commerce, from which I may quote: 'The Committee of the Chamber of Commerce believe that it will be only by the unification of control that a good service of cabs—whether horse or motor—is likely to be provided, and it is, they think, not unreasonable to expect that the difficult problem of traffic regulation might likewise be to some extent simplified if authority were centralised in that authority. Seeing also that the regulation of traffic in the city is in the hands of the Commissioner of Police, it follows that he should be the authority for registering, licensing and controlling all classes of public vehicles. The Committee urge, therefore, most strongly that Government

should accept this proposal, and, further, that the registering officer, in view of the great responsibility attaching to his work, would be a Police officer of seniority and standing.' "

The Hon'ble MR. EDEN said :—

" My Lord, after what has fallen from Mr. O'Malley and after the arguments deduced by him, I do not propose to use any arguments against the amendment which the Hon'ble Rai Bahadur has proposed. I would, however, like to remove a little misconception regarding the attitude of two of the members of the Calcutta Trades' Association who were members of the Corporation. Mr. Phelps is reported as having given his opinion that the control of hackney-carriages should remain with the Corporation. So recently as March or April this year, the matter was very thoroughly discussed in the Calcutta Trades' Association and Mr. Phelps withdrew his objection and supported the proposal that the control of hackney-carriages should be transferred to the Police. As regards Mr. Shelton, he is now away in England. He has taken a very active part in looking after the Hackney-Carriage Department of the Corporation, but in 1916, before I spoke on this subject at the Dacca meeting, I consulted Mr. Shelton as to what his opinion was on the matter of transfer, and although he expressed himself as having strong feelings in favour of the control remaining with the Corporation, he said he was not unwilling that if the whole department could be transferred to the control of the Police, he would withdraw his objection."

The Hon'ble BABU MAHENDRA NATH RAY said :—

" My Lord, I deem it my duty to give to this Council my reasons for supporting the proposal which has been made or mooted in the report of the Select Committee regarding the transfer of the control of the hackney-carriages from the Corporation to the Commissioner of Police in Calcutta. The first thing that I would ask this Council to remember is that this legislation affects Calcutta, and it does not directly affect the question of the control of hackney carriages which may be established regularly in any city or town in the district. I do not know whether every member of the Council is aware of the difference in the control which prevails in England as between the metropolis and the boroughs. In the boroughs the control of hackney and stage carriages is vested in the local authorities. In the metropolis, that is, in the city of London, the control of hackney carriages or rather hackney and stage carriages as they are called there, and of drivers and conductors, is in the hands of the Commissioner of the Metropolitan Police, who acts as the deputy of the Home Secretary. This distinction is, it seems to me, based upon sound reason. Ordinarily, no doubt, one would sympathise with the feelings of my hon'ble friend Rai Radha Charan Pal Bahadur that hackney-carriages should be controlled by local authorities, but in the metropolis where the traffic is excessively heavy, even the British people, to whom local self-government is so dear, do not object to the control of hackney and stage carriages being vested in the Commissioner of Police under the Home Secretary. Now the reason which induced me at any rate to support the proposal in the Select Committee was simply this. We all know that the heavy traffic of the streets is controlled by the Police. My hon'ble friend Mr. Pal has suggested that the argument that there is much efficiency in the unity of control is a hackneyed argument which does not appeal to him. It is not a hackneyed argument ; the principle of the efficiency of united control is one of the soundest arguments which should regulate the conduct of the executive. If I may compare very small things with great, if the efficiency of this principle was not realised in England soon the war would not have ended so early. I do not desire to detain the Council at any length upon this point, but it seems to me that to overlook the principle of efficiency and to try to raise the question of encroachments upon the sacred principle of local self-government in a side issue like this, is to miss the whole point. I am, I hope, as strong an advocate of responsible Government as my hon'ble friend Mr. Pal, but I do not lose sight of the fact that

real responsible Government does not consist in controlling hackney carriages in the town of Calcutta. My hon'ble friend has referred to a matter, occurring in the Schedule, which was tentatively prepared, in the joint report of the Viceroy and the Secretary of State as to the subjects which should be treated as transferred subjects. Well, one may endorse the soundness of the principle without quarrelling with the recommendations of the Select Committee, because legislation may be deemed necessary in the near future for the control of hackney carriages in the districts. I do not suggest, and I do not think that Mr. O'Malley would suggest, that even in the districts in the mofussil, where legislation is deemed necessary for the purpose of controlling the service of hackney carriages, the police should necessarily there do the work which might better be done as it is done in the boroughs in England by the local authorities, so that keeping the subject of the control of the hackney carriages generally as an item in the list of transferred subjects, does not militate against the special provision that we may feel it necessary to make for a town like Calcutta, in view of the extremely heavy character of the traffic."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, in the first place I would reply briefly to the Hon'ble Mr. Eden. It is quite obvious I believe to the Hon'ble Member that the two representatives of the Trades' Association, until March last, were strongly of opinion that the continuance of the administration of the Hackney-Carriage Department should continue in the hands of the Corporation Mr. Phelps changed his views in March 1918, and Mr. Shelton although retaining still his strong feeling for the retention of the administration in the hands of the Corporation, found that he had no objection to the transfer after Mr. Eden had a talk with him. It will thus be seen that two of the members of the Trades' Association who had at one time very strong feelings against the transfer, and who had practically taken part in the administration of that department, subsequently changed their minds, and thought that that department should be transferred from the Corporation to the Commissioner of Police. I must give them credit to say that whether they agreed whole-heartedly to the transfer or not, they have got the unity of action which we perhaps lack very much, and if that were not the case, the spectacle of European non-official members voting in favour of Government proposals in some of the contested divisions, would never have been seen, and we mi ht have defeated the Government on many occasion. I cannot divest myself of the impression that Messrs. Phelps and Shelton, two of the most active members of the Corporation, who were against this transfer, afterwards changed their views only in deference to the views of their colleagues in the Trades Association. Further I may inform the Council that another European Commissioner, Mr. Jones of the *Statesman*—I do not think that he is very anxious that we should have an over-abundance of self-government—was also against the transfer.

I would not dwell on the speech of the Honb'le Babu Mahendra Nath Ray. My Lord, much has been said about dual control. I repeat this is a hackneyed phrase which has been used with a view to effecting this transfer. What is this dual control? The control of traffic is one thing, and the examination of horses and carriages and the licensing of them is a different thing. All the latter has been carried on by the Corporation for the last 40 years. Past Commissioners of Police and past Governments have never raised that question, my Lord. Am I to understand that the present generation is infinitely wiser than the past generation so profoundly as to see the folly of leaving the control in the hands of the Corporation. On the contrary, I find from the proceedings of past Councils that with a view to encourage the Municipal Commissioners in their good work, the Government amended the law and placed the control entirely in the hands of the Corporation, they also amended the law in other directions in order to give them better control over horses, carriages, etc. The only argument that has been put forward against my proposal is that of dual control which has been in existence for

the past 40 years. On the one side, there is the examination of horses, carriages, etc., including those of livery stables, such as Messrs. Hart's, Cook's and others; they are not licensed by the Commissioner of Police. On the other side, there is the regulation of traffic which is under the control of the Police. Where then is the clashing of interests even under this dual control? Therefore I do not see that any case has been made out for a transfer. As regards the question of self-government, it has been stated that in London, hackney carriages are under the Commissioner of Police. I do not know how far the Police there is under popular control. When it suits their purpose, people would compare London with Calcutta, and say that such and such a practice prevails in London and therefore it is good for Calcutta, but when we say that such and such a thing prevails in London or America, or in other self-governing dominions, they say, 'No, this cannot be applied to an Eastern people in India.' My Lord, 'the proof of the pudding is in the eating thereof.' I have ransacked the Police Administration Reports covering a period of 40 years, and I have not been able to find out that a single complaint has been made by the Police about the so-called dual control. In order, however, to help the Police in the matter of service of processes, etc., in the course of their duties in connection with the regulation of traffic that the Bill has provided that the name of every driver and his address, or change of address should be inserted in a register and a copy of that register forwarded to the Commissioner of Police. This was in the original Bill. All this has been transformed and the term Commissioner of Police has been substituted for the term Chairman of the Corporation. I do not think I should occupy more of the time of the Council, I will leave my motion to the Council.

The motion was then put to the vote and a division was taken with the following result:—

Ayes—12.

The Hon'ble Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" " Rai Radha Charan Pal Bahadur.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
Rai Sri Nath Ray Bahadur.
Rai Mahendra Chandra Mitra, Bahadur.
Babu Kishori Mohan Chaudhuri.
Babu Ambika Charan Mazumdar.

Noes—28.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. C. Cumming, C.S.I., C.I.E.
" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. J. Donald, C.I.E.
" " Mr. L. S. S. O'Malley.
" " Mr. H. P. Duval.
" " Mr. M. C. McAlpin.
" " Mr. F. A. A. Cowley.
" " Mr. W. C. Wordsworth.
" " Mr. C. F. Payne.
" " Mr. S. G. Hart.
" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. J. Mackenzie, O.B.E.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Aminur Rahman.
" " Mr. J. W. Hely-Hutchinson.
" " Babu Siv Narayan Mukharji.
" " Kumar Shib Shekhareswar Ray.
" " Mr. Arun Chandra Singha.
" " Mr. F. W. Carter, C.I.E., C.B.E.
" " Mr. W. E. Crum, O.B.E.
" " Mr. E. B. Eden.
" " Mr. Altaf Ali.
" " Babu Mahendra Nath Ray, C.I.E.
" " Dr. Abdulla-al-Mamun Suhrawardy.

The following members were absent :—

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. C. H. Bompas, C.S.I.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Nilratan Sarkar, Kt.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Mr. G. A. Bayley.
" " Mr. H. R. A. Irwin, C.I.E.
" " Mr. N. Ashraf Ali Khan Chaudhuri.
" " Babu Akhil Chandra Datta.
" " Babu Surendra Nath Ray.
" " Mr. K. B. Dutt

The Ayes being 12 and the Noes 28 the motion was lost.

LIST OF BUSINESS—ITEM No. 9.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR moved, by way of amend ment, that the Bill, as amended by the Select Committee, be recommitted to the Select Committee for modification of the Bill so as to provide for the transfer of the control over hackney-carriages to a Board consisting of the Commissioner of Police, two representatives of the Corporation, and one of Howrah and of each of the other municipalities concerned, and for that purpose to amend clauses 6, 7, 17(2), 30(2), and other clauses of the Bill.

He said :—

"My Lord, this a sort of compromise that I have suggested—a sort of half-way house—with a view to having the representatives of these municipalities associated with the Commissioner of Police: the Commissioner of Police instead of himself performing the functions of the Act will be associated with the representatives of the Municipalities concerned. The framing of by-laws is a most important part of the function and then there is the appointment of officers and all that. As regards the traffic, I may say that the proposed Board will have nothing to do with that matter because the traffic is regulated under the Calcutta Police Act, which has nothing to do with the Hackney Carriage Act. This Act extends to the outside Municipalities of Howrah, Cossipore-Chitpur, Maniktollah, Dum-Dum, Garden Reach and Tollygunj; the registration business is done in the office of the Calcutta Corporation. These are matters relating to the Calcutta Hackney Carriage Act. This Board will be composed of people's representatives and will be associated with the Commissioner of Police, and therefore I hope, my Lord, although it is a very distant hope, that this motion may be accepted. The members of the Board will not take any participation in executive work, they will be sitting round the Commissioner of Police and will make suggestions in the same way as the Board of Visitors of jails. In the jail administration there is some exchange of views regarding the treatment and diet of prisoners—we get some sort of chat round and across the table with the Commissioner of Police. This is a sort of benevolent despotism. The people will have the privilege of having some conversation with the Commissioner of Police."

The Hon'ble MR. O'MALLEY said :—

"My Lord, I oppose this motion for the reasons I have explained in reply to the previous motion; and I need not recapitulate the reasons I then adduced. It seems to me, however, that there are other objections also to this proposal. It does not appear to me that a Board of this kind will be likely

to be very effective. Its members will be drawn not only from Calcutta but also from Howrah across the river and also from each of the other Municipalities concerned, e. g., Baranagore, Dum-Dum, Tollygunj. I should anticipate not only difficulties about holding meetings but also divided counsels, as there would be such different interests represented, and I cannot believe that a Board of this character would be likely to take prompt action in case there was any serious trouble with owners or drivers such as a strike. These are some of the difficulties which suggest themselves to me. The main objection to the proposal is that it is another expedient for perpetuating a system of dual control and preventing the unity of control which Government consider desirable."

The motion was then put and lost.

The Hon'ble Mr. O'Malley's original motion (item No. 6 in the List of Business) was then put and agreed to.

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble MR. O'MALLEY moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

AMENDMENT No. 1.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR moved that in clause 4 the following sub-clause be inserted, namely :—

(*4*) "The Corporation" means "The Corporation of Calcutta."

He said :—

"My Lord, I do not wish to make a speech and I simply move this formally."

The Hon'ble MR. O'MALLEY said :—

"My Lord, Government would have no objection to accepting this amendment if it were necessary; but I fail to discover any reference to the Corporation in the Bill. The expression 'The Corporation' does not occur. The only object of this amendment would be to enable further amendments to be made, vesting the control of hackney carriages and other vehicles in the Corporation; and this is a subject on which the Council has already pronounced its opinion. I therefore oppose this amendment."

The motion was then put and lost.

AMENDMENT No. 2.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR moved that in line 3 of clause 5 for the words "Commissioner of Police" the word "Corporation" be substituted.

The Hon'ble MR. O'MALLEY said :—

"My Lord, I oppose the amendment."

The motion was then put and lost.

AMENDMENT No. 3.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR moved that in line 3 of clause 5 for the words "Commissioner of Police" the words "Chairman of the Corporation" be substituted.

The Hon'ble MR. O'MALLEY said :—

"My Lord, I oppose the motion."

The motion was then put and lost.

AMENDMENTS Nos. 4, 5, 6 and 7.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, it is useless for me to trouble Your Excellency and I would ask for permission to withdraw this amendment."

The PRESIDENT said :—

"How many of the Hon'ble Member's amendments does he propose to withdraw?"

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I withdraw all the amendments under clause 6."

The following motions were then, by leave of the President, withdrawn:—

That for "clause 6" the following be substituted, namely :—

Duties of Registering Officer.

"(1) The Registering Officer shall be appointed by the Corporation, and shall keep a register in which he shall enter every hackney-carriage under the class prescribed therefor by by-law made under section 71:

(2) Every act, matter or thing done by the Registering Officer, under or by virtue of this Act, shall be subject to the control of the Chairman of the Corporation.

(3) The provisions of section 63 of the Calcutta Municipal Act, 1899, shall apply to the appointment of the Registering Officer."

If motion No. 4 be not carried, also to move that in lines 1 to 3 of sub-clause (1) of clause 6 for the words "a Deputy Commissioner of Police specially appointed by the Local Government for this purpose" the words "appointed by the Corporation" be substituted.

If motion No 4 be not carried, also to move that in lines 3 and 4 of sub-clause (2) of clause 6 for the words "Commissioner of Police" the word "Corporation" be substituted.

If motion No. 4 be not carried, also to move that in clause 6 the following sub-clause be inserted, namely :—

"(3) The provisions of section 63 of the Calcutta Municipal Act, 1899. shall apply to the appointment of the Registering Officer."

AMENDMENTS Nos. 8, 9 and 10.

The following motions were also. by leave of the President, withdrawn :—

That for clause 7 the following be substituted, namely :—

Power to Registering Officer to delegate his functions.

"The Registering Officer may, with the sanction of the Chairman of the Corporation, by general or special order in writing, delegate to any officer all or any of the powers and duties conferred or imposed upon the Registering Officer by this Act or any by-law made thereunder."

If motion No. 8 be not carried, also to move that in line 2 of clause 7 for the words "Commissioner of Police" the word "Corporation" be substituted.

If motion No. 8 be not carried, also to move that in lines 3 and 4 of clause 7 for the words "police-officer not below the rank of sergeant" the word "officer" be substituted.

AMENDMENT No. 11.

The Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 11 the words "and a certified copy of such particulars shall be furnished to every person applying for the same on payment of a fee of eight annas" be inserted.

He said :—

"My Lord, this clause refers to the details specified in the license. I think that these particulars should be available to every person on payment of a certain fee; and this is provided in another place with reference to the particulars of drivers, horses. etc. Therefore, with regard to carriages, I submit that this provision may be inserted."

The Hon'ble MR. O'MALLEY said :—

"My Lord, Government are pleased to accept the amendment."

The motion was then put and agreed to.

AMENDMENT No. 12.

The Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 13 the words "or the horse used therewith is not licensed for that class of carriage, or the harness used with such horse is unfit for public use" be inserted.

He said :—

"My Lord, this clause provided that the Registering Officer may cancel or suspend for such period as he thinks fit, the registration of any carriage and the license granted to the owner under this Act, whenever it appears to him that such carriage is unfit for public use. I think that some provision should be made for the contingency that if the horse or harness, is unfit for public use or if an inferior class of carriage is used, the registration of such carriage may be suspended. I hope this amendment will be accepted."

The Hon'ble MR. O'MALLEY said :—

"My Lord, Government agree to this amendment."

The motion was then put and agreed to.

AMENDMENT No. 13.

The following motion, which stood in the name of the Hon'ble Rai Radha Charan Pal Bahadur, was, by leave of the President, withdrawn :—

That in line 2 of sub-clause (2) of clause 17 for the words "Commissioner of Police" the word "Corporation" be substituted.

AMENDMENT No. 14.

The Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of sub-clause (*1*) of clause 27 the words "and a certified copy of such particulars shall be furnished to every person applying for the same on payment of a fee of eight annas" be inserted.

He said :—

"My Lord, this amendment is the same as the previous one (No. 11) which has been accepted by Government. Clause 27 relates to the particulars of the class of hackney-carriage, the name and residence of the owner and the number assigned to the horse. I think that these particulars may be supplied to any person requiring them on payment of a certain fee."

The Hon'ble MR. O'MALLEY said :—

"My Lord, Government agree to this amendment."

The motion was then put and agreed to.

AMENDMENT No. 15.

The following motion, which stood in the name of the Hon'ble Rai Radha Charan Pal Bahadur, was, by leave of the President withdrawn :—

That in line 2 of sub-clause (*2*) of clause 30 for the words "Commissioner of Police" the word "Corporation" be substituted.

AMENDMENT No. 16.

The Hon'ble Rai Radha Charan Pal Bahadur moved that in line 3 of sub-clause (*2*) of clause 49 for the words "five miles within one hour" the words "six miles an hour in the case of first and second class carriages, and five miles an hour in the case of any other class of carriage" be substituted.

He said :—

"My Lord, the limit of 5 miles which is prescribed by this clause is not suitable for all classes of carriages. I therefore suggest that a limit of six miles an hour be prescribed for first and second class carriages and a limit of 5 miles an hour in the case of any other class of carriage.

The Hon'ble MR. O'MALLEY, said :—

"My Lord, this is a matter which Government are content to leave entirely to the discretion of Members of Council. The present law requires a minimum speed of four miles an hour. The Select Committee considered that this should be raised to five miles an hour ; and the Hon'ble Mover proposes to raise it to six miles an hour in the case of first and second class carriages and to five miles an hour in the case of other classes of carriages. It is an open question whether considering the class of ponies used, the food they get, the work they do and the risk of cruelty if they are made to do six miles an hour, that speed should be fixed as a minimum for first and second class carriages."

The motion was then put and agreed to.

AMENDMENT No. 17.

The Hon'ble Rai Radha Charan Pal Bahadur moved that in line 5 of clause 50 after the word "shall" the words "on the complaint of the aggrieved party or of any public officer or servant" be inserted.

He said :—

"My Lord, this clause lays down that any owner, driver, or person in charge of any hackney-carriage registered under this Act, who, without sufficient excuse (the burden of proving which excuse shall lie upon him), refuses to let such carriage for hire, shall be liable for every such offence to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days and shall also pay to the party complaining such compensation as the Magistrate thinks fit.

I think it will make the matter clear if the aggrieved party has the right to make a complaint. I hope my amendment will be accepted."

The Hon'ble MR. O'MALLEY, said :—

"My Lord, Government accept the amendment."

The motion was then put and agreed to.

AMENDMENT No. 18.

The Hon'ble Rai Radha Charan Pal Bahadur moved that after sub-clause (*m*) of clause 51, the following sub-clause be inserted, namely :—

"(*mm*) refuses to let a carriage on hire by time or distance as the hirer may require."

He said :—

"My Lord, this clause imposes a penalty on a driver for certain offences which are enumerated in it. I want only to add after *clause* (m) that *if a driver refuses to let a carriage on hire by hour or distance as the hirer may require.* As frequently happens the drivers refuse to let the carriage on hire and for these things one has to run to the Police which no one ordinarily does. This is a clause which, I think, may be be inserted."

The Hon'ble MR. O'MALLEY said :—

"My Lord, the amendment is accepted by Government."

The motion was then put and agreed to.

AMENDMENT No. 19.

The Hon'ble Mr. O'Malley moved that in the penultimate line of clause 51 after the word "or" the word "to" be inserted.

He said :—

"My Lord this is a purely formal amendments which is intended to improve the phraseology."

The motion was put and agreed to.

AMENDMENT No. 20.

The Honb'le Rai Radha Charan Pal Bahadur moved that in lines 4 and 5 of sub-clause (*1*) of clause 57, the words "the Court of" be omitted.

He said :—

"My Lord, the clause states that 'the hirer may require the driver to drive to the Court of the nearest Magistrate or to the Registering Officer.' My object in moving this amendment is that the occurrence may take place at night or after 5 o'clock in the evening when the Court of the Magistrate may be closed. It would afford great facilities to the public if it is stated that the hirer may drive to the nearest Magistrate, which expression I believe will include the Honorary Magistrates. There may be some Honorary Magistrate living close to the complainant's house. The Registering Officer will probably be in Lall Bazar."

The Hon'ble MR. O'MALLEY said :—

"My Lord, this amendment, if carried, will order a new terror to the life of Magistrates in Calcutta. The law at present provides that if there is a dispute between a hirer and a driver of a carriage and if any Magistrate is then sitting, the hirer may require the driver to drive to the Magistrate's Court, or, if no Magistrate is sitting at the time, to drive to the Registering officer. Clause 57 of the Bill, as now drafted, gives the hirer the option of requiring the driver to drive either to the Court of the nearest Magistrate or to the Registering officer. Naturally, if the dispute occurs at a time when the Magistrate's Court is not open, the hirer will elect for the Registering officer.

If this motion were accepted, the driver would be able to go to the Magistrate, wherever he chanced to be and whatever the hour. The Magistrate would be liable to be wakened out of his sleep or called out from his dinner to settle a dispute between an angry passenger and an obstreperous driver. This would be an unfair tax on the Magistrate, whether honorary or stipendiary. He ought to be called on to settle disputes only in Court hours and in his Court ; and his private life ought to be free from interruptions of this kind. In the interests of the Magistrate, Government feel that this amendment should be opposed."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, the Registering officer, who will probably be the Deputy Commissioner under this Bill, will be in Lall Bazar. I do not think that Magistrates, honorary or stipendiary, who are for administering justice, will ever grudge this task, as this work will be something like a *Kazir Bichar*. As we all know, the garrywallahs are not very reasonable and they have the upper hand of the *bhadralog class*, as the latter feel shy to go to the Magistrate's Court. I think that in the interests of the public this amendment may be accepted."

The motion was then put and lost.

AMENDMENT No. 21.

The Hon'ble Mr. O'Malley to move that in line 1 of clause 58 after the words "disputes as to" the word "the" be inserted.

He said :—

"My Lord, this is a purely verbal amendment, due to a clerical error."

The motion was put and agreed to.

AMENDMENT No. 22.

The Hon'ble Rai Radha Charan Pal Bahadur moved that in lines 1 and 2 of sub-clause (*1*), of clause 60 the words "in consultation with the Commissioner of Police" be omitted.

He said :—

"My Lord, in this case, as a matter of fact, the Corporation always consult the Commissioner of Police. As the Commissioner has been put on the top that is why I have sent this amendment, which however, I do not want to press."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 23.

The Hon'ble Mr. O'Malley moved that in line 3 of sub-clause (2) of clause 63 after the words "of the owners" the words "and drivers" be inserted ; and in line 5 of the same sub-clause after the words "to the owners" the words "and bearers, respectively", be inserted.

He said :—

"This is what is known as a consequential amendment. The Select Committee added to the Bill a new clause requiring that notice should be given of changes of driver's address or driver's residence, in order that the registering officer should know where the driver actually lives. It is obviously desirable that there should be a similar provision in the case of palanquin bearers."

The motion was put and agreed to.

AMENDMENT No. 24.

The Hon'ble Rai Radha Charan Pal Bahadur moved that in line 1 of sub-clause (1) of clause 71 for the words "Local Government" the word "Corporation" be substituted.

He said :—

"My Lord in clause 71 the term 'local Government' has been inserted in lieu of 'the Corporation.' I want to re-insert the term 'Corporation' here. It is a legislative power ; it has nothing to do with the regulation of traffic or with the registration of hackney-carriages or with any other administrative work. It is simply legislation, and therefore without any way militating against the principle which has been adopted by the House that the administration should go over to the Commissioner of Police, the law-making function should be left to the Corporation, subject of course, to the approval of the Local Government. The Bill as amended by the Select Committee will not be affected in any way ; this will not go against the principle of the Bill in any way ; but will prevent the Commissioner of Police from framing whatever by-laws he chooses and submit them to Government. I do not mean to say that Government will accept everything he suggests, but it is better to have the by-laws framed by the Corporation subject of course to the approval of the Local Government."

The Hon'ble MR. O'MALLEY said :—

"My Lord, I am afraid that on behalf of Government, I must oppose this amendment. The Select Committee have stated in their Report their reasons for putting in the words "Local Government": they say that now that the control of hackney-carriages is to be transferred to the police it is advisable that by-laws under the Act should be made by the Local Government. It is realised that by-laws cannot be made by the Commissioner of Police and it is felt that if the Corporation had independent power to make by-laws, it would militate against the control of the Commissioner. It is therefore necessary that this power of making by-laws should be entrusted to the superior authority, namely, Government, and I have no doubt that, where necessary, before making by-laws, the Corporation of Calcutta will be consulted by the Government.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

My Lord, the Hon'ble Mr. O'Malley has said that before making by-laws, Government would consult the Corporation, but if you consult the Corporation, their suggestions might also militate against the control by the Commissioner. What I suggest is this : let the legislative power be exercised by the Corporation, subject to the approval of the Local Government. I understand that Government will frame the by-laws. Why not let the Corporation do it ; they have been doing it for a long time and they know everything about hackney carriages and stands, etc., therefore I fail to understand why the legal power should not be vested in the Corporation subject to the approval of the Local Government. Nothing will be lost thereby. It is the law making power that I want to be left in the hands of the Corporation.

The motion was then put and lost.

AMENDMENT No. 25.

The following motion, which stood in the name of the Hon'ble Rai Radha Charan Pal Bahadur, was, by leave of the President, withdrawn :—

If motion No. 24 be not carried, also to move that in line 1 of sub-clause (*1*) of clause 71, before the words "The Local Government," the words "The Corporation with the sanction of" be inserted.

AMENDMENT No. 26.

The Hon'ble Rai Radha Charan Pal Bahadur moved that in sub clause (*1*) (*d*) of clause 71 the following words be added, namely :—

"and the manner in which the mark is to be used."

He said :—

This amendment relates to the marks of identification of horses to be used in hackney carriages, and so I wish to add these words. Unless this is done, there will be difficulty, my Lord, in having that particular by-law carried out. I therfore move this amendment."

The Hon'ble MR. O'MALLEY said :—

"My Lord, Government accept this amendment."

The motion was then put and agreed to.

AMENDMENT No. 27.

Amendment No. 24 having been lost the following motion, which stood in the name of the Hon'ble Radha Charan Pal Bahadur, was deemed to have been withdrawn :—

If motion No. 24 be carried, also to move that for sub-clause (*2*) of clause 71 the following be substituted, namely :—

"(*2*) By-laws made under this section shall be subject to the sanction of the Local Government and shall, if sanctioned, be published in such manner as the Local Government may direct."

The Council was then adjourned for lunch.

AFTER LUNCH.

AMENDMENT No. 28.

The Hon'ble Mr. O'Malley moved that in line 2 of the proviso to clause 79 after the words "the Commissioner" the words "or such other officer" be inserted.

He said :—

"My Lord, this is a formal amendment. The first Part of clause 79 provides that the Commissioner of Police or other police officer appointed by him shall return lost property to the owner, but the proviso omits the other officer. It is necessary for the sake of both uniformity and consistency that there should also be a reference to the other officer in the proviso.

The motion was put and agreed to.

AMENDMENT No. 29.

The Hon'ble MR. O'MALLEY moved that in line 6 of clause 79B for the word "rule" the word "by-law" be substituted.

He said :—

"My Lord, this is a verbal amendment."

The motion was put and agreed to.

AMENDMENT No. 30.

The Hon'ble Mr. O'Malley moved that sub-clause (*a*) of clause 79B be omitted.

He said :—

"My Lord, clause 79B is a new clause added by the Select Committee. They considered it 'necessary to provide in the Bill that the driver of a hackney carriage or the bearer of a palanquin should not be arrested nor the carriage or palanquin seized when it is actually used for the conveyance of a passenger until some arrangement is made for the passenger to proceed to his destination.' 'We have suggested,' they added 'two methods by which this may be affected."

"Government sympathise with the object the Select Committee had in view. Government quite realize the delicate situation *pardanashin* ladies may be put in if a driver is arrested and they are left stranded in the Street. Government feel, however, that there are practical difficulties in working the first of these two methods. As the clause runs, if a passenger tells a police officer that he must provide another ticca-garry, the police officer has no alternative but to provide another. If he is in an unfrequented part of the town, the policeman must either go off to get another, in which case the driver will probably whip up his horses and be off, or he must detain the carriage until another ticca-garry turns up, which he can engage. This would put him in an awkward predicament. It is unfair to the policemen to lay this statutory obligation on him. It should be quite enough to provide (as will be provided if this amendment is accepted) that the passengers shall be allowed to proceed to their destination before the arrest is made."

The motion was put and agreed to.

AMENDMENT No. 31.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR moved that in line 2 of sub-clause (1) of clause 80 for the word "Government" the words "a fund called the Hackney-Carriage Fund" be substituted.

He said :—

"This clause runs as follows :—

'(1) All fees and fines realized under this Act shall be credited to Government, and all charges incurred on the administration of this Act shall be met from such fees and fines. At the end of each year the balance of fees and fines realized during the year, after all such charges have been met, shall be paid to the Calcutta Municipal Fund.'

I think it will make the matter more clear if it is stated that all fines and fees realized under this Act shall be credited to a fund called the Hackney-Carriage Fund. I do not know whether the Hon'ble Mr. O'Malley has any objection to accepting this amendment."

The Hon'ble MR. O'MALLEY said :—

"My Lord, I regret that Government are unable to accept this amendment. The clause, as it stands, has been copied from the Burma Act; and it is felt that it is a practical method of dealing with this matter."

The motion was then put and lost.

AMENDMENTS Nos. 32, 33 and 34.

The following motions, which stood in the name of the Hon'ble Rai Radha Charan Pal Bahadur, were, by leave of the President, withdrawn :—

To move that in line 2 and in lines 4 and 5 of clause 81 for the words "Commissioner of Police" in the two places where they occur the words "Chairman of the Corporation" be substituted.

If motion No. 32 be not carried, also to move that in lines 1 and 2 of clause 81 the words "the Commissioner of Police or" and in lines 4 and 5 of the same clause the words "the Commissioner of Police or of" be omitted.

To move that in line 7 of sub-clause (*1*) of clause 82 after the words "Corporation of Calcutta" the words "the Chairman of the Corporation" be inserted.

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble Mr. O'Malley moved that the Secretary be directed to renumber the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross-references thereto.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble Mr. O'Malley moved that the Bill, as settled in Council, be passed.

He said :—

"My Lord, it only remains for me to expres the thanks of Government to the members of the Select Committee for their labours and to acknowledge the improvements which have been made in the Bill by the amendments

moved by the Hon'ble Rai Radha Charan Pal Bahadur. I now formally move that the Bill as settled in Council, be passed.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 13.

THE BENGAL VILLAGE SELF-GOVERNMENT BILL, 1918.

13. The Hon'ble Sir Henry Wheeler moved that the Bengal Village Self-Government Bill, 1918, be referred to a Select Committee consisting of the Hon'ble Mr. Kerr, the Hon'ble Mr. Stevenson-Moore, the Hon'ble Mr. O'Malley, the Hon'ble Mr. Duval, the Hon'ble Mr. Hart, the Hon'ble Babu Bhabendra Chandra Ray, the Hon'ble Mr. Altaf Ali, the Hon'ble Rai Sri Nath Ray Bahadur, the Hon'ble Babu Mahendra Nath Ray, the Hon'ble Mr. Aminur Rahman, the Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri, and the mover, with instructions to submit their report in time for its presentation at the January meeting of the Council.

He said :—

"My Lord, the Bengal Self-Government Bill was introduced in this Council by Sir S. P. Sinha on the 4th April 1918, and I am sure that, while we much appreciate the reasons which have taken Sir S. P. Sinha elsewhere, yet we all regret that this Council will not have the advantage of his presence and advice in the later stages of this measure. Owing to that fact, and also to the unfortunate illness of the Hon'ble Maharajadhiraja Bahadur of Burdwan, the task of moving this further motion has devolved upon me."

The Bill has now been before the province since its introduction, and a large number of valuable opinions have been received upon it, to which the Select Committee will have to give its most careful consideration
will be of great value in arriving at possible improvements a
As a general statement, I think it may be said that,
welcomed on its introduction, so it has receiv
further circulation for public opinion. The
whatever may be the views held on matter
main principles of the Bill, welcoming
needed direction. There are naturally differ
detail, and in particular, as the Hon'ble Member
will have seen, a considerable number of recom
made in connection with the respective powers of the union committees and the District Magistrate in the matter of the village chaukidar; that, of course is a very ancient subject of discussion in Bengal. It will now come under the examination of the Select Committee, which will have to deal with the different points of view placed before them in the replies that have been received.

"Another matter, which has attracted attention, is the judicial powers which the Bill seeks to confer upon village courts and village benches. There is a certain amount of opinion expressed that the clauses dealing with these points give somewhat wider powers than is altogether wise; but I think it has been overlooked in some of the criticisms which have been made that the conferment of these powers is at the discretion of Government, which in a matter of this kind will move slowly. Certainly Government would only select first those village committees which are clearly fit for the exercise of these powers; also, under the Bill as it stands, resort to the village courts will be optional, the concurrent jurisdiction of the ordinary courts remaining. Therefore, people, who do not trust the village courts need not go to them.

"These are two main aspects of the bill towards which criticism has been directed, (though, of course, many other details have been touched upon), but there is also one large issue of principle that has been raised to which

I would like to invite the attention of the Council. and that is with regard to the whole proposed constitution of circle boards. As those who have read the District Administration Committee's Report will be aware, the proposal for the creation of circle boards emanated from that body, the idea being that district boards covered too large a unit for effective supervision over these village bodies; experience has shown that local boards have not been altogether a success in the general scheme of local self-government, and it was thought therefore, that it would be an improvement to substitute a body having jurisdiction over a smaller area and therefore able to take a more direct and personal interest in the village unions within its charge. The general purpose of the circle board, as explained in clause 49, is to superintend the working of the village unions, to exercise their powers in the event of supersession, and to distribute among them the grants made by the district board, since they should possess the local knowledge which will enable them to make an equitable division. In the replies received there is a fair body of opinion that the circle board is an unnecessary addition to the Bill, which will render superior supervision top-heavy, and will add another body between the union committee and the district board which may not altogether make for ease and smoothness of working. That is a view which the Select Committee will have carefully to examine. If we do away with the circle board the question will then arise: what is to be put in its place? There are various expedients conceivable, one of which is that it would be feasible to leave the local board as it is; that would involve, possibly, the minimum of dislocation of the existing system; but against that, you have the fact—to which I have already referred—that the local board has not altogether given satisfaction in the past in the matter of the value of the work which it has turned out. There may be reasons for this result. It may be said that local boards have not had enough funds to distribute, since the district boards do not trust them with responsibility, and that therefore they have not done as much as they could. However, the fact remains—and I think it is the general opinion—that the local board has not been a great success. Another solution of the matter which is mentioned in the replies is that we might constitute standing committees of the district boards for the supervision of smaller areas within the old jurisdictions of the local boards. That is a point, Sir, which will merit examination. It would eliminate an intermediate body, and possibly stimulate greater interest on the part of the district board in the working of these union committees if it had some of its members directly cognizant of the details regarding them.

Apart, however, from the issue whether the circle board is or is not a desirable part of the future machinery, there is another matter to be considered. The Bill, as framed, would be fairly simple and easy of working, provided it was introduced throughout a district or even throughout a subdivision. But in the opinions which have been received there is the view expressed that it will not be found feasible, as a matter of practical working, to make an extension covering as much even as a whole subdivision, as there are not many subdivisions throughout which these village bodies could be constituted with any very hopeful certainty of success. The view is also expressed that it would not be expedient to take a larger unit than the thana, and that even within the thana there is the risk of a certain amount of unsatisfactory working in the more backward portions of its jurisdiction. But if, retaining the system of circle boards, the Act is extended to an area smaller than a whole subdivision, we are likely to get into rather deep water; that is to say, there might be the circle board exercising its jurisdiction in one part of the subdivision and the old local board controlling the balance, and if either the transferred part or the residue were small, one of these bodies would obviously exercise its authority on an insignificant scale, while the existence of both simultaneously would be awkward; again, the existing system of election by local boards to membership of the district boards would be complicated. That is a point which will have to be carefully gone into. If standing committees of the district boards were constituted it might be possible to get over part of the difficulty, though it might be

objected that this entails needless interference with the areas over which the present local boards exercise jurisdiction, since areas within which village unions will not be created under the Bill would still pass under the jurisdiction of the standing committees.

That is, I think, the largest issue of principle which it will be for the Select Committee to tackle, and apart from it, it will be mainly a matter of examining the detailed suggestions with the idea of seeing whether they suggest any improvements in the clauses of the Bill."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"The people of Bengal welcome the Bengal Village Self-government Bill, 1918. I may be permitted to discuss some of the underlying principles enunciated in it, namely, (1) the protection of the village by rural police, and (2) the exercise of municipal administration in rural areas.

The growing popular feeling was that the Bengal Village Chaukidari Act of 1870 did not prove successful by the interference of the police. The provisions of Bengal Act I of 1886 and of Bengal Act I of 1892 disturbed the object and policy of the Chaukidari Act. The present Bill has affirmed the main principle of the Chaukidari Act. It aims at local self-government from the lower stratum and therefore the amalgamation of the panchayat and the union committees has secured considerable improvement of local self-government in villages. But while recognising this principle, I find there is a departure in clauses 23 and 24 of the Bill. The appointments of the village chaukidar and daffadar lie with the District Magistrate although their salaries are to be paid by the village committee. Restricted powers are given to the village committee under sub-clause (2) of clause 24 of the Bill as regards the dismissal of chaukidars and daffadars. The punishment to be awarded is authorized to be given by the District Magistrate. He is authorized to appoint a daffadar. This seems to be an inconsistency in the provisions of the Bill. The principle to my mind is that larger powers are to be given to the village committee. I notice that the control of the District Chaukidari Reward Fund is given to the Magistrate in preference to the village committee.

There is another idea prevailing in the scheme of the Act. The Bill provides for the formation of the circle board. To guarantee the success of the work of the village committee these boards are to be constituted. There is a difference of opinion as to the abolition of the local boards and the substitution in their place of the circle boards which are considered unsuitable to the condition of Bengal and are viewed as more expensive.

I suppose the Select Committee will modify the various clauses of the Bill and I shall not enter into details as for example the meaning of the word resident in clause 5 of the Bill.

There is another principle which has been lost sight of in the Bill. I contend that all roads and drains existing at the time of the establishment of a village committee or of a circle board, not being private property and not being maintained by Government or by the District Boards, shall also vest in the village committee the or circle board. The formation of village courts is a marked and distinctive feature in the Bill. These courts are to be established for the convenience of the rural population.

I venture to think that it will not be to the interest of suitors, if legal practitioners are not allowed to appear in these courts, otherwise suitors will be in the hands of touts. Besides, these suitors and the judges are not expected to know much of law and therefore justice demands that pleaders should not be prohibited to conduct such cases which are tried by these Courts. The words in clause 83 of the Bill appointing all or any of the members of the committee to be a village court is open to criticism. There ought to be a bench of two or more judges. The judgment of a single judge is not expected to be more satisfactory than that of many. Besides, the member or members are untrained lawyers. It is satisfactory to note that in this Bill the trial of civil cases by a bench of judges is an indication of the trial

by a jury. No doubt the value of suits must be small, but it is gratifying to the people that Government have recognised to a small extent the trial of civil cases by a bench of judges. The success of the scheme depends in the selection of the judges of the court. The same argument *mutatis mutandis* applies to the formation of the bench for trying criminal cases.

There is one clause in the Bill which demands the consideration of the Member in charge. The necessity of the final framing of the rules by Government after due publication. Rules are framed by Government on the authority given by the Legislature. They have the force of law. The Executive Government frame them and not the Legislature. This practice has been observed for sometime, but, I venture to think, that if they are drafted by Government and legal force is given to them, it is just and proper, at any rate, that Government will be pleased to accept public criticism on the publication of these rules.

The Village Self-Government Bill shows a desire that the administration of local affairs ought to be in the hands of the people. Any one who reads the Bill carefully will be convinced of the fact that village committees ought to be independent units in the administration of local affairs. They may prosper if there be less interference by the District Magistrates and if the several clauses of the Bill divest the interference by the Magistrate."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I am sorry I am unable to agree with the previous speaker and the Hon'ble Member of Government. It seems to me that the better course would have been to wait for some time than to proceed with the Bill at present. The main idea of the Bill is to improve the village sanitation, the village drainage and conservancy with power for taxation if necessary under the supervision of the local officers who will be under the supervision of the District Magistrate and the Commissioner; and when these new bodies contemplated in the Bill will come into existence the existing local Boards and Union Committees, wherever they are in existence, would be abolished. For the last quarter of a century, ever since 1885 I believe, the District Board administration was under the supervision of the District Magistrate and the Commissioner; it is only recently and in a few instances that non-official chairmen have been appointed. I could not understand why Union Committees were not established all over the country and why real improvement could not be effected in this direction. Funds for the purpose have only to be taken out of the district fund which is at the disposal and the management of the District Board, and with some taxation that fund shall have to be augmented and utilised for effecting this improvement. In the Local Self-government Act of 1885 there is a provision, I believe it is section 118, which gives such power for assessing any taxes in the Union Committees. Unfortunately, however, only local Boards were established in many places and not Union Committees. The real work is to be done by Union Committees. The local Boards being only the supervising authority, it is not possible for the local Board to pay proper attention to the needs of the several thanas in their jurisdiction. If anything is to be done it is to be done by the Union Committee, but unfortunately that could not be done. My Lord, it may be asked why at a time when larger questions are as Union Committees were not established being considered as to how far popular control should be established upon local bodies such a proposal has been put forward. As I was trying to show, all these improvements could be carried out by the District Board and Union Committees, and special officers could be appointed in the District Board to supervise and train villagers in that direction. If that could not be done under the supervision of the District Magistrate and the Commissioner for so long a period, where is the guarantee that it would be done now? If the funds are to be taken from the District Board, why should they be deprived of the power of supervision? These are things which it seems to me can be best considered in the Reformed Council. I do not know how long it will take to establish it, but at any rate,

it seems to me there is no hurry about the present Bill. The Bill has been circulated, and opinions have been received. There is difference of opinion as to the special provisions that have been introduced by the Member in charge. As to the Chaukidari Act, the Act of 1870 was more useful; the Act of 1892 created difficulty and some of the powers given in the Act of 1870 were taken away by the Act of 1892. Now, there are two bodies side by side; one is the village punchayet and another the Union Committees in some places, and the Local Boards in another. There is not much power in the hands of the panchayets and in the present Bill, also I do not find that it is proposed to give them much power. As to the judicial work, I am not sure how far it will be a real benefit to the people, or whether it will be at all possible for the proposed village court to come to a decision on points of *res judicata* and so forth without the help of trained lawyers, or whether it will be only the village touts who will get the advantage. Of course there are some safeguards that the people, if they are not satisfied, will go to the district head-quarters or subdivisional headquarters for the purpose. However, I am not concerned with these and such other details at present; my idea is, and I respectfully submit for Your Excellency's serious consideration, whether it would not be better to postpone the consideration of the Bill for the present and let us see how far over the local bodies popular control would be established, and in what better way that can be done.

With these remarks, I oppose the reference of this Bill to Select Committee."

The Hon'ble KUMAR SHIB SHEKHERESWAR RAY said :—

"My Lord, I shall make only two suggestions in connection with the Bill now before the House. First, I suggest that a maximum rate of assessment should be fixed by law. Section 39 empowers the Village Committee to assess according to circumstances and the property within the village of the person liable to assessment. This gives an extremely wide power to the Committee and might prove dangerous in cases of strong party feelings in the village. Maximum rates of Chaukidari Tax and Road and Public Works Cesses are fixed by statute and I would strongly urge that some such rate should be fixed for the Village Fund requirements.

The other point that I would like to suggest for the consideration of the Select Committee is that petty rent suits, not exceeding Rs. 25 in value, should be included within the jurisdiction of village courts, with the proviso that on application to the Munsiff, by the defendant, they should be transferred to his own file. This will be of immense advantage both to the ryots and the zemindars. It is a general complaint of the ryots that they are unnecessarily harassed by repeated and vexatious rent suits. They say that if they have to attend far-off courts, in addition to their personal inconvenience in a strange town, their work at home also suffers considerably by their absence; and oftentimes these suits are instituted, they allege, in order to make them submit to illegal exactions of the zemindar. Admitting for the sake of argument, that their allegations are true, it would be considerably to their advantage if the petty rent suits are tried in their own village. As for the zemindars, it is an outstanding complaint that petty rent suits, thanks to to the legal formalities and enforced exactions of court people, are not at all a paying affair from a financial point of view. Thus, if the tenants of small holdings, resist the payment of rents, as they generally do if there are joint landlords, the latter find it extremely difficult to realise their dues. It is therefore to the advantage of zemindars as well, if petty rent suits are tried by village courts. I therefore, urge that provision should be made to make these suits triable by village courts.

There is one further point to which I should draw Your Excellency's attention. It is regarding the composition of the Select Committee. The zemindars are vitally interested in this legislation. The burden of local taxation will fall heavily on the zemindars and there are also other matters which affect our interests. But I am sorry to observe that not a single

representative of our community in this Council has been taken on the Committee. The same remarks apply to the Select Committee on the Primary Education Bill. I do not know whether it is a studied neglect of our representatives. But I think I ought to make my humble submission to Your Excellency regarding the matter.

The Hon'ble SIR HENRY WHEELER said :—

My Lord, of the three Hon'ble Members who have spoken on this motion, the speeches of two deal mainly with matters of detail arising out of the Bill, and I can only assure the Hon'ble Members that these details will be duly examined by the Select Committee. With reference to the remark of the last speaker regarding the constitution of the Select Committee, I can assure him that there was absolutely no intention whatever on the part of the Government not to consult the zemindars in a matter of this kind. As a matter of fact, in selecting names for the Select Committee we first took those of some members representative of District Boards, as the subject of District Boards enters so largely into the Bill, and following upon that, we tried to make the Select Committee representative of official and non-official interests and of the two great communities of Hindus and Muhammadans I do not think it can be said that there are many points in the Bill which so distinctly refer to zemindars that they cannot be adequately dealt with unless the special representatives of the latter sit on the Select Committee—moreover there is always the right of moving amendments in Council—and some members of the Select Committee are zemindars themselves, although not representing special zemindari constituencies.

The only point of principle that has been raised is that taken by the Hon'ble Babu Kisori Mohan Chaudhuri, who has, as I understand him, suggests that we should postpone the Bill on the ground that its introduction at the present moment is inopportune. I am afraid I cannot agree with the reasons which he has advanced. Even historically this is not a new subject. The desirability of encouraging and advancing village self-government, even taking modern times, certainly goes back to the days of the Police Commission. It was advocated in the Decentralisation Commission's Report, and it was also urged in 1913 by the District Administration Committee. It is constantly referred to as the burden of many newspaper articles and it is frequently mentioned in the speeches of public men as one of the crying needs of the province. It cannot be said that we have suddenly hit upon a novel idea and are going to rush it through with indecent speed. On the contrary, this Bill might well have been introduced by the late Government of Lord Carmichael, and it would have been a matter of satisfaction to the present Government if the Bill had been passed through by our predecessors in whose time it originated in the report of the District Administration Committee. Secondly, apart from the fact that it is not a new subject, it is particularly opportune at the present moment, as it seems to me, to pursue it. The air is just now full of proposals and suggestions for extensive alterations in the superstructure of Government. It is a matter of common agreement that for the successful working of that superstructure we must look to the soundness of the foundations, and it is also a matter of common agreement that those foundations are to be found in the villages, and in small bodies composed of the villagers themselves doing work in the immediate neighbourhood of their homes. The point is dwelt upon in the report of the Secretary of State and the Viceroy, and I do not wish to elaborate it, but it appears to me to be particularly appropriate, that, simultaneously with this large advance which is coming in higher spheres, we should endeavour to enlarge and improve what after all is the imediate local foundation of Government in this country, the administration of the village itself. Therefore, Sir, I can not advise the Council to accept the view which has been put forward by the Hon'ble Member—a view which reading the opinions received on this Bill and the views as expressed on platforms and in the press, is one which is held, if at all, by a small minority, even if it be not by a minority of one.

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 14.

THE BENGAL JUVENILE SMOKING BILL, 1918.

The Hon'ble Dr. Abdulla-al-Mamun Suhrawardy presented the Report of the Select Committee on the Bengal Juvenile Smoking Bill, 1918.

LIST OF BUSINESS—ITEM No. 15.

RESOLUTIONS

(under the rules for the discussion of matters of general public interest).

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved the following resolution :—

"This Council recommends to the Governor in Council that Government do take steps for the prevention of the pollution of the water of the Bhagarathi (especially near the Municipal areas which are not provided with the supply of filtered water) by trade waste waters, mineral oils, other washings, and trade refuse from neighbouring mills, factories, workshops and distilleries, etc., in the districts of the 24-Parganas, Howrah and Hooghly."

He said :—

"My Lord, the water of the Bhagarathi is nowadays polluted to a larger extent than before by trade waste waters, mineral oils, and other washings by cleaning the different parts of the machinery and trade refuse from the neighbouring mills, factories, workshops, etc., which are evidently on the increase. In 1879-80 there were in India 22 jute mills at work with 4,964 looms and 70,840 spindles only. But now (1915-16) there are jute mills in Bengal as shown below :—

Jute Mills.

Districts.		No. of mills.	No. of looms.	No. of spindles
24-Parganas	...	42	24,032	478,875
Hooghly	...	12	6,693	141,236
Howrah	...	12	8,518	178,730
Total		66	39,243	798,841

Besides there are on the river side 11 cotton mills, 2 paper mills, 2 distilleries and various other kinds of large industrial establishments in the above-mentioned three districts.

The subject of the disposal of trade waste demands serious attention of Your Excellency's Council. The unfiltered water of the Bhagirathi taken very near the edge, is the drinking supply of many millions of the population in the districts of the 24-Parganas, Hooghly and Howrah. Only a very small number of municipal towns in these districts is provided with filtered water, but in the majority of municipal towns, *viz.*, North Dum-Dum, Boranagore. Kemarhatty, Panihatty, Barackpore, North and South Barrackpore, Titagarh, Garulia, Bhatpara. Naihatty Halisahar in the district of 24-Parganas, Rishra-Konnagore, Baidyabatty, Bhadreswar and Kotrung in the district of Hooghly and Bally in the district of Howrah, there has not as yet been any arrangement for the supply of filtered water to the people.

The question connected with the sanitary condition of the water of the Bhagirathi of the present day in the districts of the 24-Parganas, Hooghly and Howrah has as a matter of fact become a very complicated problem on account of the presence of the sewage of effluents from the manufacturing processes of the neighbouring mills, factories, etc.

The principal kinds of trade refuse and washings of the different parts of the machinery met with in these places in ordinary practice are derived from following heads :—

(*1*) Waste waters resulting from the cleansing and other preparatory processes connected with jute and cotton fibres,
(*2*) Paper making,
(*3*) Distilleries, and
(*4*) Various chemical works, etc.

1. *Jute cotton*—Raw cotton as it reaches the spinner contains about 5 per cent. of inpurities. which, if not removed would impair the whiteness of manufactured goods and would interfere with subsequent dyeing and printing operation. These impurities, according, to Dr. E. Schunck, comprise :—

(*1*) A cotton wax.
(*2*) A fatty acid which appears to be either margaric or a mixture of palmitic and stearic acids.
(*3*) Nitrogenous colouring matters.
(*4*) Pectic acid, which forms the greater bulk of the impurities.
(*5*) Albuminous matter.

The bleaching of raw jute whether in the yarn or the piece is essentially the same as the process used for cotton. It is however longer and more tedious and the various processes, boiling, chemicking and souring must be repeated several times before a satisfactory result is obtained. The raw jute contains a greater proportion of impurities than raw cotton.

Dr. H. M. Wilson, M.D., B.SC., and Dr. H. T. Calvert, M.SC., P.H.D. E.I.C. (the former being the Chief Inspector, West Riding, of the Yorkshire Rivers Board and the latter Chief Chemical Assistant, West Riding, of Yorkshire Rivers Board), Authors of a Text Book on Trade Waste Waters ; Their Nature and Disposal. Published by C. Grifin & Co. Ltd., London, state "that septic tank treatment of liquids containing organic matter can never by itself suffice to produce effective purification and the opinion is now generally held that it does not serve to bring them into the best condition for subsequent biological treatment, as they are also wholly robbed of dissolved oxygen and contain sulphuretted hydrogen. Septic tank treatment is seldom to be recommended for trade waste waters......"

2. *Paper making*—Esparto grass is used for the highest class of printing papers. For writing paper, rags are used, whilst for news-papers wood-pulp is largely used. The quantity of water used is generally greatest at mills where rags and esparto are used. The waste liquors produced in the manufacture of paper from esparto grass are very often found polluted. The liquid from the boiling process is usually mixed with the liquor obtained from the fist washing of pulp. In the manufacture of brown-paper, the dirty nature of the materials creates very strong polluting liquids. Owing to the large amount of caustic soda used, in nearly all the processes of paper making the effluents from paper mills are almost invariably exceedingly alkaline, and therefore very injurious to fish life and streams in general. The adequate treatment of the strong 'kier' liquors is very difficult and up to now there seems to be no efficient and economical way of dealing with them.

3. *Distilleries.*—The waste liquid derived from distilleries is mostly water which is always polluted and it speedily decomposes, lactic and butyric acids being formed. The presence of distillery waste in any quantity is apt to cause considerable nuisance. Distillery waste has been successfully treated on land and also in percolating filters, the usual course being to precipitate with lime as a preliminary process. The great point appears to be to deal with the liquid, before it becomes acid.

4. *Various chemical works.*—The refuse from chemical works is generally poisonous and polluting.

Mineral oils.—Various kinds of mineral oils are often used in cleaning machinery in mills, factories and workshops. These oils are sometimes visible on the surface of the water of the Bhagirathi and pollute the river to a great extent.

In the majority of cases, the solutions of the problem have been found signally wanting when actually put to the test. There is no best method of the disposal of the trade waste and mineral oils used in cleaning machinery, into the river, the unfiltered water of which is the drinking supply of many millions and which can be universally adopted regardless of local conditions in the districts of the 24-Parganas, Hooghly and Howrah.

To mention all the various trade processes in detail and the different waste produced by each, would require a much longer time than the limit of time at my disposal in moving this important resolution concerning the wolfare of many thousands of the population. Under the circumstances, I do not intend even here to mention very briefly the mass of most valuable information which exists in the reports of the various committees formulated by civilised Governments in Europe and in America, and Royal Commissions which have been appointed in England from time to time, giving the best views of the period on the subject.

It would be quite impossible within the short limit of time at my disposal to-day to deal with all the points connected with the trade waste waters, mineral oils mainly used in cleaning the machinery, other washing and trade refuse which now pollute the water of the Bhagirathi.

Trades are carried on where there is generally no means of access to sewers and consequently pollution of the Bhagirathi generally occurs.

Trade wastes may consist of solids or liquids. As a general rule, however, the bulk of trade waste is in liquid form consisting of water used for trade purposes, and for carrying various impurities both in solution and suspension.

The fact must not be lost sight of" that solids in the form of heaps of chemical refuse may, through the agency of rain water, become a most serious source of pollution, either continuous or intermittent.

The Government of India in a recent resolution on sanitation concludes that "the Governor General in Council appeals with confidence to all who have interest in the well-being of India to join with him and the local Governments in a sustained endeavour to give effect to His Imperial Majesty's most gracious wish that the homes of his Indian subjects may be brightened and their labour sweetened by the spread of knowledge with all that follows in its train, a higher level of thought, of comfort and of health."

With these words, I beg to move this important Resolution on sanitation in which Your Excellency takes a keen interest. And I hope and trust that this Resolution may be accepted by all the members—official and non-official European and Indian Members of your Excellency's Council.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My Lord. I whole-heartedly associate myself with the resolution which has been moved by my hon'ble friend, though I am not prepared to travel over the ground of the scientific researches to which my learned friend has referred. It is an admitted fact that the River Hooghly, from Calcutta upwards, to a distance of over 20 miles, as far as the tide goes, is a receptacle of all sorts of pollution ; and it has to be admitted also that in spite of the few waterworks that may have been established in some of the riparian municipalities, a large number of the population of the towns and villages on both sides of the River Hooghly, who have scruples to use filtered water, do actually use the river water both for drinking as well as culinary purposes. If Government feel that it is justified in suspending Municipalities for defects of waterworks, I think it cannot ignore its own responsibilities of giving as much

protection as is possible to the river-water of the Hooghly from Calcutta upwards. With these observations I support this resolution."

The Hon'ble MR. O'MALLEY said :—

"My Lord, the resolution is somewhat wide in its scope, for it refers to the discharge into the Hooghly of trade waste and refuse from all kinds of industrial undertakings, whether big or small, and whatever the nature of the material they deal with ; and the Hon'ble Member seems to think that all trade waste is noxious. Legislation would be necessary to give full effect to the resolution ; for in Bengal there is no such measure as the Rivers Pollution Prevention Act, which is in force in Great Britain. Government cannot at this stage undertake to introduce legislation of this character, as there are not sufficient data to show how far legislation is necessary, and what form it should take. The Sanitary Commissioner has made an enquiry and finds that while some of the industrial works on the Hooghly discharge trade waste into its water, others do not. Some have installed recovery plant to prevent waste or loss of material, others have not. The Sanitary Commissioner's enquiry, however' is only a preliminary investigation. It is not exhaustive, and Government have at present not got full information as to all the discharges that come into the Hooghly and as to their hygienic effects. Dr. Fowler stated in a report on rivers that 'rivers may be polluted with trade effluents that will give all manner of strange chemical analysis, but these will not materially increase the number of pathogenic organisms. The question of river pollution is not a simple and easy one. It is also not concerned merely with trade waste but extends to other things, for instance, the dumping into the river of municipal refuse and street sweepings by the authorities of riparian municipalities, etc. Before undertaking legislation it is necessary to have a full enquiry to show exactly how matters stand, what nuisances should be provided for and in what way. Otherwise there are certain to be omissions which would defeat the object of legislation. Again, it may not be necessary to prohibit some matter from being discharged into the river ; other discharges may be permissible if subject to proper safeguards and so on. Government are also bound to see that any action which may be taken, while providing proper safeguards for the public health, does not imperil the industries, large or small, on which the prosperity of Calcutta and the riparian towns so largely depends. While, therefore, Government is unable to accept the resolution as it stands, it is ready to institute a full enquiry in order to ascertain whether legislation, and if so what kind of legislation, is necessary ; and I trust the Hon'ble Mover will be satisfied with this assurance."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, as far as I understand the words of Hon'ble Mr. O'Malley, Government intend to make a full enquiry and then, if necessary, to introduce legislation. It is very gratifying to get this information. There cannot be any doubt, Sir, that it is very uncomfortable for one who lives on the river side and the people who go to bathe in the river to see trade-refuse and other filthy things floating on the river. Thousands and thousands of applications have been made to many persons and authorities but they have been of no avail. Therefore it is highly necessary that step should be taken by Government in this connection and I approach Your Excellency's Government with that object and that object alone. Your Excellency will consider that time will be necessary to make an enquiry on the subject and legislation, if introduced, will take further time. What shall be done in the meantime is a problem which Your Excellency will have to consider. If I do understand that the people who are complaining of this nuisance are perfectly right in putting their complaint before their authorities, it is a question for consideration whether immediate steps should be taken or not. My Lord, I am not in a position to suggest to Your Excellency's Council what these steps will be, but it is for Your Excellency's Council to consider that if

legislation is necessary upon the materials and facts which have been supplied to the Council, it is also necessary that immediate steps should be taken in this connection. It is a growing complaint and I cannot emphasise my idea better than this—that Government ought to take immediate steps to put a stop to the commission of this nuisaance. We can trace, Sir. the place where the nuissance is committed and if we do that then certainly some kind of injunction, some kind of steps—effective steps—should be taken immediately. Your Excellency will consider that, after a good deal of censideration, after studying the various reports of the authorities on the subjects and after personal inspection of the locality, I have come to Your Excellency's Council, complaining of the very fact which is the daily complaint of those who live on the riverside. This is all that I can say.

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 16.

The Hon'ble Khan Sahib Aman Ali moved the following resolution:—

This Council recommends to the Governor in Council that a Government High English School be established at Cox's Bazar in the district of Chittagong.

He said :—

"My Lord, Cox's Bazar is a subdivision of Chittagong. Its population is about 7 lacs ; its income from Khas Mahal only is about 7 lacs. It has come under British sway nearly 200 years ago. It is a matter of regret that up to now it has no Government or aided school there. It is not half a century that the Hill Tracts in Chittagong has come under the British rule. It has got a Government Middle English School some 20 years back at Rangamati. The inhabitants of Cox's Bazar consist of mugs, lower class Hindus and uneducated Muhammadans. It being situated far away at the east extremity of this Presidency in the south-east is left uncared for in the matter of education, though it has been given a munsif's court, a subdivision office, a *Khas Mehal* office and a Sub-registry office, and several police thanas; though there is a good number of pleaders, muktears, revenue agents and amlas to meet the requirements of the several offices of the court, but among them, Your Excellency will be surprised to learn, not even one of them belongs to this unfortunate subdivision. The reason is not far to seek. It is in want of English education. I believe this fact alone will commend itself for the establishment of a Government school there.

This subdivision had once the good fortune to have the advent of the Director of Public Instruction with the Inspector of Muhammadan schools, and a deputation headed by the Subdivisional Officer waited upon him, and the Director of Public Instruction was pleased to tell them that if a High English school be established there it would be a Government High English school. It is a talk of some 6 years back—no indication of establishing a High English school is yet visible. Last year Mr. Biss, Assistant Director of Muhammadan Education, went there and gave them hope that a High English school would be given. Some 60 boys belonging to this sub-division reading in Chittagong flocked there, but unfortunately the Director of Public Instruction did not fulfil their expectation and they had to revert to Chittagong again. According to the report of the Buddhist Association more than 100 students read in Chittagong ; most of them read in several schools in class VII and upwards. Complaints from Amlas of several offices and even from Hakims such as Munsifs, Sub-divisional Officers, Khas Tahsildars and Sub-Registrars are heard that they cannot give their children education at Cox's Bazar, there being no High English school. Similar complaints are heard from the people of the legal profession and from Amlas. I trust complaints like these are not unworthy to be heard. I asked the present Director of Public Instruction to visit that place, but I think that he could not find time perhaps owing to pressure of work.

My Lord, the Government of Eastern Bengal and Assam had given this sub-division a Government Middle English school and had given hope of raising it to the status of a High English school. With the disappearance of that Government that expectation has disappeared like several other hopes.

My Lord, this Council will be struck with surprise that, under this Presidency, which is known to be a most advanced one in British India, there is a sub-division having no High English school. Government have given Government High English schools in several places. I fail to understand why this sub-division which is most backward is not given a High English school. Nature is not unkind to this place; many European gentlemen far from this place frequent Cox's Bazar for change of climate and to take sea baths to remove skin diseases. In point of climate it is congenial to health. In point of education it is lamentable, it is very backward. It requires the special care of the Government, a Government which is famous for taking care in order to ameliorate the condition of its subjects.

Further delay for improving the condition of this sub-division in the matter of education will bring blasphemy upon the good name of British rule.

The Middle English school is located in *Khas Mahal* land. It has a boarding house, and the land in possession of the Middle English school is quite sufficient for a High English school. Additional expenditure for the erection of 4 upper classes is necessary, and if the present Government expenditure be doubled all the requirements for a High English school will be quite enough. Now by the grace of God, the financial difficulty has gone with the close of the unfortunate war. With these observations, I beseech Your Excellency's Government on behalf of lacs of Your Excellency's subjects to award a Government High English school to Cox's Bazar by accepting my resolution.

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, I rise to support the resolution which has been moved by my hon'ble friend to the right. I only want to say that if the Government find it difficult, as I believe they will find difficulty, to accept the resolution as it stands to pledge themselves to establish a Government High School at Cox's Bazar, I hope my friend and the people interested in Cox's Bazar and residing therein will be satisfied if the Department of Education only promise to help towards the establishment of aided High School and also encourage the local people with a grant-in-aid. I believe that is a more practical way of dealing with this matter. Considering the situation and the fact that there are no high schools, I think the matter will receive careful consideration at the hands of the Director of Public Instruction."

The Hon'ble MR. WORDSWORTH said :—

"My Lord, the subject of this resolution is one that has received long attention departmentally and particularly at the commencement of this year when a petition was submitted to Government making the same request. The matter was then investigated carefully, by educational officers on the spot, by the superior administrative officers of Government in the district and division and by educational officers who went from Headquarters at Calcutta; and it was the deliberate decision of Government, after a long and careful enquiry, that no case had been made out for the establishment of a Government High English School in the subdivision. The words of Government were that Government were unable to accede to the request inasmuch as it was not the general policy of Government to establish Government High English Schools in subdivisions. The circumstances of the situation are briefly these. In this big sub-division, Government is a large landlord. The population are diverse in caste, creed and customs, and are backward in education, using the words in the ordinary sense; they have not made much advance towards what we call secondary education. Government, however, mindful of its position as landlord, and also in

accordance with its general policy, has done much and is doing much to encourage education in this subdivision, and I have amongst my papers a long list of the various schemes which Government has worked out and put into operation for the educational welfare of this district. They touch mainly primary and vernacular education and the training of teachers: they include special facilities for the education of Burmese children, and Mohamedan children, Government also ten years ago provincialized, *i.e.*, turned into a Government school, a local Middle English school and so has afforded facilities here for giving education to boys up to the age of 13 or 14. This was intended to be a test of the position and of the needs of the district. This Middle English school has not flourished. It has been a great expense to Government and the expense appears to be increasing as the roll number is steadily diminishing. There is in this experiment nothing that will warrant us in going forward confidently to the establishment of a Government High English School, for in this matter of the establishment of Government High English Schools, Government has a practice and a policy. Government High Schools are regularly maintained at district head-quarters. It is true that we have in Bengal a few Government schools at subdivisional head-quarters, but there are special reasons for them. Those in Western Bengal are mainly survivals from a very early date of English education in Bengal when schools were established near Calcutta. In Eastern Bengal we have some Government schools at subdivisional head-quarters as a legacy from the late Eastern Bengal and Assam which took over temporarily and turned into Government schools certain schools at subdivisional head-quarters which there was reason to suspect were being used for purposes other than educational. This is our practice and it is based upon a policy on which the most recent authoritative statement is this. The Government of India in a resolution of 21st February 1913, stated the policy in these words: 'Subject to the necessities of variation in deference to local conditions their policy in regard to secondary education required among other things the establishment of Government High English Schools in such localities as might on a survey of local conditions and with due regard to educational effort and expense be proved to require them.'

It was by this test that the needs of the Cox's Bazar subdivision were considered this year, when Government decided that no case had been made out for the establishment of this school.

The appeal to the Government is an appeal partly to Government's duty as a Government, partly to Government's duty as a landowner, and partly to Government's compassion. I have amongst my papers letters written from these different points of view, and the appeal to Government's compassion is, I believe, a confession that the local public do not believe that a high school in the Cox's Bazar subdivision can be a successful high school judged by ordinary standards. Usually when there is a real need for education in a district or locality not served by a Government school, the local public transform and put this need into effect; they establish a high school which as soon as it can prove that it is likely to be successful establishes a claim to Government's interest and assistance. This has not been done in Cox's Bazar. I believe one or two sporadic attempts have been made to form a High English school, but they have not flourished long enough to attract the attention of Government and the appeal now is that we should establish a Government High English School there because the local public are diffident about moving on their own initiative. Government therefore has considered that the need in not proved, and while I am not able to say what may happen in the future, and while I cannot recommend the Council to accept this resolution, I do ask the Council to believe that we are not insensible to the difficulties of a place like Cox's Bazar, or to our obligations as an Education Department."

The Hon'ble KHAN SAHIB AMAN ALI said :—

"My Lord, the Director of Public Instruction has been kind enough to admit that Government is the landlord of that subdivision, and is the ruler of it also. There is no denial of that fact. Government realises several lacs of

rupees annually from that *khas mahal* as a zemindar and there are besides other sources of income. Several thousands of people live in that subdivision. But what steps have the Government taken for the good of the people of that division within the last hundred years? We are fully aware that Government is in full sympathy with the educational needs of the people. Government has recently taken over Rangamati and has already established the *Chakma* High School there at a heavy cost. Government has given the people a chance there, without knowing whether it is going to be successful or not, and yet no steps have been taken for the improvement of the Cox's Bazar Subdivision which is inhabitated mostly by *Maghs* and some low class Hindus. The Director of Public Instruction has admitted that for special reasons in certain sub-divisions Government themselves established High English Schools. This sub-division should, I think, also be treated in the same way. There are many public offices in this sub-division and the local people cannot be appointed because they are not educated sufficiently in English. I have been told in answer to a question of mine that the initial expenditure would be Rs. 3,000 on a High English School. If we consider the income Government derives from that sub-division, then, I think, that a High English School can be easily established and supported there. The school can be situated on *khas mahal* land and there will be no necessity for acquisition of land. The school which is already there has a few classes and a few more classes can be added thereto. Then if Government see that the people do not appreciate the school, the matter can be dropped at once. If Government start one class just now, they will see that it will be filled up with students who have to live in Chittagong now. Cox's Bazar is a very healthy place, and the people pay a sufficient amount on rates and taxes, and Government as a zemindar have got a duty to perform by the people and they should establish a High English School in this sub-division."

LIST OF BUSINESS—ITEM No. 17.

17. The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution :—

This Council recommends to the Governor in Council—

(*1*) that a sifting inquiry be made by a committee, consisting of experts and non-official gentlemen, to ascertain—

(*a*) the causes which led to the recent unprecedented flood over a large area in the districts of Rajshahi, Bogra, and Dinajpur ; and

(*b*) the conditions of the Atrai, the Gadai, and the Baranoi rivers and the waterways connected with them, and, in particular, if the recent lowering of the railway bridges by about 3 feet in or near the affected localities has caused serious obstruction to the natural waterways of the country and has made the reeurrence of such a flood possible ; and

(*2*) that such remedial measures be adopted as may be recommended by that committee.

He said :—

My Lord, it will perhaps be needless for me to dilate at length on the ravages caused by the recent flood in parts of the districts of Rajshahi, Bogra, Pabna and Dinajpur because details have been published in the newspapers, from which the Hon'ble Members must have already come to know of the nature and extent of the same. I can only say this that the suffering has been very great and more so because the people of the affected area are not habituated to such floods. I, for one, do not remember

such a flood ever having taken place in this part of the Rajshahi Division within my life-time. Therefore, my Lord, what I want is a prevention of the recurrence of such floods in future for, as we all know, prevention is much better than cure. Of course the Government has done much to relieve the sufferers after the flood came and it will be sheer ingratitude on my part not to express to them and especially to the Hon'ble Mr. Cumming, who went to the locality for a personal inspection, my sincere thanks on behalf of the people of the Rajshahi Division, and I shall also be failing in my duty if in this connection I omit to mention the splendid services rendered in this respect by Mr. Cassells, the District Magistrate of Rajshahi, but for whose prompt action the suffering of the people of the Naogaon subdivision would perhaps have been double, the District Magistrate of Bogra and other Government officers and non-official bodies such as the Ramkrishna Mission and other relief committees local or otherwise whose genuine sympathy and untiring personal labour, at considerable self-sacrifice, for the people, have evoked great admiration and respect. But, my Lord, when the suffering caused by the flood is so great, something ought to be done, if that is possible and within our power, to prevent the annual visits of such devastating accidents and I want a committee of experts and non-officials to enquire into the causes of this flood and suggest remedial measures.

It has been suggested that heavy downpour continuously for 48 hours was the only cause. But, my Lord, to my ears this seems rather strange because the natural drainage in that part of the country has always proved adequate on account of the existence of several rivers passing through the Chalan bil and further there is no explanation why the flood was confined to limited areas and did not extend to the whole area through which these rivers pass. My information, on the other hand, is that water logging on account of the Railway bridges over the rivers and other waterways is rather the main cause of this unprecedented flood. There has been an interruption to the natural drainage by the lowering of, and diminution of spans, in the Railway bridges in the newly constructed Broad-gauge Railway lines from Pakshi to Santahar and Ishurdi to Serajgunge.

I have been credibly informed that the two rivers, the Jumna and the Atrai, meet at Suktigachha on the west of the Atrai bridge on the Northern Section of the Eastern Bengal Railway, but the waterways through the Railway line being insufficient, the water level on the west of the line after the heavy rain became 4 or 5 feet higher than that on the eastern side; and this resulted in the sudden flood in parts of the Naogaon Subdivision and Dinajpur drained by those two rivers. Similarly obstructions in the river Nagor by the Santahar-Bogra Railway line caused the flood in Bogra. The Gurnadi which is the confluence of the Jumna and the Atrai meets the river Baranai near Sherkole in the Nator Subdivision and then the river Barole or Gadai near Shaoil to the west of Chalan bil and then these rivers pass through it; but the Chalan bil water being obstructed at Bera Faridpur by the Ishurdi-Serajgunge Railway line caused the heavy flood in the areas covered by Singra and Panchupur police-stations in Rajshahi a few days afterwards. In the Kalikuri bil again the water level on the west of the Serajgunge line was 4 or 5 feet higher than that on the eastern side. This heavy rush ultimately washed away a portion of the railway line and then only the flood began to subside. It is also my information that over 500 feet of the waterways were closed when the broad-gauge line from Pakshi to Santahar was constructed. It is rumoured that the Bogra line has recently been inspected and widening of several bridges advised. Such arrangements are also necessary in the Pakshi to Santahar and Ishurdi to Serajgunge lines. If the facts, as stated by me, are true, then there is, to my mind, a clear case for a sifting enquiry for which I appeal to Your Excellency with as much earnestness as is in me and I fervently hope Your Excellency's Government will see their way to accept my humble request. As the Railway administration is with the Government of India, whatever is to be done is to be done by them. This is another reason why a sifting enquiry is necessary in this case."

The Hon'ble MR. ASHRAF ALI KHAN CHAUDHURI said:—

"My Lord, it requires very few words of mine to support this resolution, in view of the sympathetic interest taken by Government and the prompt and effective measures which were taken by the authorities on the spot, and besides a Member of the Government, the Hon'ble Mr. Cumming, personally went over and inspected the place. We all know how much of this distress has been caused by the recent floods and it will only be a sheer waste of time to repeat all that has been said in the papers and in the recent Government *communique* on the subject. I need only say that about 80 square miles in the Rajshahi Division and 40 square miles in Bogra were under flood and people were put to much distress by it. This flood is unprecedented in the annals in the history of Rajshahi; nobody knows when they will occur again, and when it does occur, how are we going to combat it? Some attribute these floods to the railway embankment for the new Sara-Serajganj Railway running from Ishurdi to Serajganj, obstructing the free passage of water to the Padma and Jamma, a length of about 50 miles, and it has only one or two openings. It is therefore absolutely necessary that a sifting enquiry should be made, and if it is found that it is due to these railway embankments, more openings should be constructed and other action taken on the advice of experts. I alluded in my budget speech last year to this Sara-Serajganj Railway and I drew attention to the fact that on one side of the embankment, water was found to be lying stagnant and crops were being damaged. My Lord, I support this resolution heartily, and I take this opportunity of thanking the Government officials who were on the spot at the time of the floods, and especially Mr. Cassells, who went waist deep into the water in Nowgong to rescue children one after another."

The Hon'ble MR. HELY-HUTCHINSON said:—

"My Lord, I should like to associate myself with this resolution, though I think that I should not like to dictate to Government what should be the composition of the Committee of enquiry which they appoint. The hon'ble mover of the resolution has said that it should consist of officials and non-officials, but I should leave it to Government to decide what form the Committee should take. The motion under discussion raises the question of railways in a river country. When railways are constructed in this country it is to the interest of the engineers who make a preliminary scheme to see that this scheme gives as much chance of profit as possible, and it is my experience that they are apt to do so at the expense of the flooding of the country and at the expense of waterways, and to a certain extent at the expense of the agriculture of the country generally. I therefore feel very strongly that an enquiry should be made to prove whether this flood is due to the embankment of the Sara-Serajganj Railway or not. If it is, then I think that steps should be taken as soon as possible to provide adequate culverts and sufficient places for the water to go through in times of flood. I beg to associate myself with the resolution."

The Hon'ble MR. CUMMING said:—

"Sir, the resolution of the Hon'ble Member is to the effect that a sifting enquiry should be made by a Committee consisting of experts and non-official and official gentlemen, first, into the causes of the great flood in certain districts of Northern Bengal; and secondly, regarding certain waterways and certain railway embankments."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said:—

"I accept the suggestion made by the Hon'ble Mr. Hely-Hutchinson as to the constitution of the Committee."

The PRESIDENT said:—

"Order, order, the Hon'ble Member will have an opportunity of explaining when he replies."

The Hon'ble MR. CUMMING (continuing) said :—

"He further suggests that some remedial measures should be proposed by such a Committee. I can at once reassure the gentlemen who have spoken on this matter that Government desire an enquiry; in fact they have been making an enquiry; but the only point on which I draw issue with the Hon'ble Member is whether the Committee that he proposes is the more satisfactory way of dealing with the situation. A Committee is undoubtedly a useful agency when data are available; but, as I shall shortly show, that is not the case here; and I think I shall be able to show also to the Hon'ble Gentlemen that Government will be able to follow out the enquiry which he desires by its own agency. I must thank him for his appreciation of the two officers of Goveverument intimately connected with this recent calamity, namely, the District Officers of Bogra and Rajshahi who gave most devoted work on the occasion of the flood and of the fact that Government have shown themselves not insensible to the sufferings of the people of the locality. Nevertheless, I must ask him and others to refrain from exaggeration. Undoubtedly, it was a severe flood, but many of the statements in the press are an over-coloured picture; and, although undoubtedly the sufferings were considerable, they were only temporary.

In the first place, I wish to deal with the question of the causes of the flood. As it was an exceptional natural calamity, we should look for some exceptional cause. It may be that the railway embankments in question, some of which are comparatively modern, have contributed; but nevertheless, there is one exceptional cause which can explain the great flooding of particular places quite apart from the railway embankment, and that is the exceptional rainfall. In that part of the country there were floods in 1830, in 1865, and again about 50 years ago; but for the last 50 years there has been no such untoward rainfall in a very defined and restricted area. I shall make that clear by stating that in one place which bore the brunt of it, the rainfall was four times what it usually has been. Furthermore, this extensive rainfall in a very restricted area, which has not occurred for the last 50 years, happened at a time when both the Brahmaputra and the Ganges were themselves in high flood; and embankment or no embankment, the gradient was not very steep towards these rivers. That. I may shortly say, is the reason for the great flood; and the facts being so, it does not require a Committee to find out a reason for the flood.

As regards the condition of these waterways principally in the south of Rajshahi district, the unfortunate fact is that Government are not in possession of hydraulic data for the area; and the reason is obvious. If big floods of this description occur at long intervals of 20, 30 or even 50 years, the necessity of keeping hydraulic data does not arise. However that may be, we have not the data in sufficient quantity and we desire to obtain information. In order to obtain information, we require a staff and time; and it should be remembered that at the present time the Public Works Department is 40 per cent of its normal cadre, Therefore, I say that the Committee would not be in a position to deal with the matter, even if it were appointed at once, inasmuch as it could only come to conclusions on the basis of material, and that material does not exist at present.

As regards the railway emkankments, that is a matter in regard to which an enquiry has already been instituted, and Government are quite conscious of the countervailing points of view which have been put forward by the Hon'ble Mr. Hely Hutchinson, the point of view of the railway adminstration on the one hand and of the people who reside in the vicinity on the other. The actual facts regarding the allegation which have been made are under investigation; and until the investigation is completed, a committee would be unable to form any conclusion. Therefore, Sir, I say that we are prepared to give an undertaking that we shall examine the matter as soon as possible when staff is available; but I am unable to accept the resolution in the form in which it stands. I trust that on that assurance the Hon'ble Mover will not press his resolution.

The Hon'ble MR. P. C. MITTER said :—

"My lord, I desire to say a few words on this matter. I am glad to find that Government has already taken some steps to enquire into the matter; but there are certain points which, it seems to me, require further investigation. The Hon'ble Mr. Cumming has stated that the main causes of the flood are excessive rainfall in a limited area and the fact that the Brahmaputra and the Ganges were full at the time. But I understand from people of the locality that the flood on the offside of the embankment was much less than that on the other side; that water on the offside subsided much more quickly and that there was no appreciable distress on the offside of the embankment. That is a point which goes to indicate that the embankment had something or other to do with the matter.

My lord, as regards the question of distress, I do not know whether it was exaggerated in the press; but it must be admitted that the necessities of the matter require that the matter should be attended to as soon as possible. Not only should the matter be attended to but the public ought to be taken into the confidence of Government. If as a matter of fact the railway embankment had nothing to do with it, then it ought to be made possible for the Government to explain that fact to the public. From that point of view, I suggest that a sifting and open enquiry be made by the Government. My lord, my whole object is that in that enquiry the public will be entitled to place before either the Committee or the Government officials who hold the enquiry their point of view. I further suggest that the result of the enquiry be published at an early date. I quite appreciate the difficulties of the Government at the present moment. Government is no doubt shorthanded in regard to officers of the Public Works Department; but the question is one which does not admit of delay. The Council has heard from the Hon'ble Mr. Ashraf Ali Khan that about 120 square miles suffered, it may be temporarily. In a question like this it may perhaps be necessary that additional officers should be appointed. If officers have to be drafted from other provinces, they should be so drafted. I therefore suggest that Government should make a sifting and an open enquiry and should publish the result of that enquiry and, if necessary, should take adequate steps.

If Your Excellency will permit me, I should like to move an amendment to this resolution to the effect that "a sifting and open enquiry be made by Government as regards sub-clauses (*a*) and (*b*) of clause (*1*) of the resolution. As regards clause (2), I suggest that the result of such enquiry be published, and if necessary adequate steps be taken at an early date."

The PRESIDENT said :—

"It is a question for the Hon'ble Member in charge to decide whether he objects to this amendment being moved."

The Hon'ble MR. P. C. MITTER said :—

"My Lord, under the rules, we are required to give 7 days' notice but the list of business was circulated to us only on Thursday last (21st). I was not in town on that day and if I were in town I could have given only 3 days' notice."

The PRESIDENT said :—

"I am told that this particular resolution was circulated 11 days before the meeting of Council."

The Hon'ble MR. P. C. MITTER said :—

"My Lord, I am sorry that I made an incorrect statement due to a misapprehension. I was referring to the list of business. I now remember that copies of the resolutions were as usual circulated earlier."

The Hon'ble MR. CUMMING said :—

"My Lord, I am in some difficulty in replying to a matter of this kind at such short notice. I do not wish to take advantage of the fact that such short notice has been given; but I should like to have time to consider this proposal for an open enquiry. I am not prepared at the present moment to agree to such an arrangement. The matter primarily concerns the Railway Board and the Government of India. I am not quite sure whether the Hon'ble Member, in making this suggestion, was thinking of some of the arrangements which the local Government have made to meet the unfortunate results of the floods, or whether he was referring to the enquiry proposed as regards the cause of the flood and its connection with the railway embankment. If he was referring to the latter matter, then at the present moment I am not prepared to accept the arrangement that there should be a public enquiry. As I have already stated on behalf of Government, we are quite prepared, when we get men and material,—which I hope will be in a short time,—to continue the enquiry which we have already started."

The PRESIDENT said :—

"Under the circumstances, the Hon'ble Member in charge objects to the amendment and I cannot accept the amendment."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, it is not necessary for me to add anything to what has already been said by my friend the Hon'ble Mr. Mitter. Of course, it would have been better if my friend's suggestion could be accepted. I am however glad and thankful to Government that an enquiry has already been instituted in this matter. My only suggestion is that a public enquiry be made, or at any rate the public may be taken into confidence and that the result of such enquiry be made public. As an enquiry is being held, if there are persons who have local knowledge, they may be asked to submit their suggestions; and I shall be quite satisfied if that is done. I have submitted to Your Excellency the fact—and if it is true it demands consideration—that on the west bank of the railway embankment the level of the water was 4 or 5 feet higher than that on the east. This clearly shows that this was due to obstruction and that is what caused the flood. That is a matter on which special attention may be given and all possible assistance from the public may be taken. Of course as there is an assurance from the Government I do not press this resolution."

The motion was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 18.

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council that the orders of supersession of the Municipalities of Burdwan and Hooghly-Chinsurah be reconsidered and withdrawn.

He said :—

"My Lord, it is with some amount of diffidence that I rise to move this resolution before this Council. The question of the dignity and of the honour of the towns of Burdwan and Hooghly cannot be a matter of greater concern to anybody else more than it is to the Hon'ble Member in charge of the portfolio of Local Self-Government, and it would look that it is a bold step on my part to question an order passed by him. But my Lord, as a non-official Member representing the Burdwan Division in this Council, I felt it my duty to bring forward this motion because the question had caused great

excitement not only in the two Municipal towns but throughout the Province, and I felt that I would be shirking my duty if I did not do so. My Lord, I do not hold any brief on behalf of the Municipal Commissioners neither am I a great admirer of the defunct body nor was I one of their supporters; but I must say and I also feel that the drastic measures adopted to punish them have not been justified. I know the faults of the Municipal Commissioners of Burdwan, and I know their failings and shortcomings and also I know that they are not few, but still the extreme measure was not called for. Besides they had some extenuating circumstances in their favour, as the body of Municipal Commissioners of Burdwan had done also some good works at critical times. Their difficulty arose since the days of the floods of 1913 when their roads were swept away, houses were practically levelled to the ground and great damage was done to property and to the town and to municipal works and on account of that there was a large accumulation of arrears and a great change in the condition of rate-payers, which made it very difficult for the Municipal Commissioners to realize their dues; and it is for this reason and other causes that large arrears were allowed to accumulate. As has been explained by the Municipal Commissioners, these are the arrears about which a good deal has been said in the Government resolution. The arrears were also delayed on account of the difficulties of realization of the assessments on holdings and the appeals that had to be disposed of before any taxes could be realized. It has also been said that there was want of control over municipal employees.

In the first place, My Lord, so far as that part is concerned, I cannot agree with the Government resolution that there has been any marked want of control on the part of the municipal executive over the municipal employees. No doubt, there was a case of embezzlement and some other cases of theft, so far as the municipal properties were concerned. But, my Lord, that does not show necessarily that there was want of control. Have not there been cases of embezzlement in Government treasuries as well as in Collectors' offices and District Judges' offices also? Does that mean to show that there was want of control? These things do happen now and then. Even only the other day a Post office clerk embezzled a large amount of money out of the Savings Bank account and he was not detected in this embezzlement till the Accountant-General of Posts and Telegraphs found it out some months after. The man was arrested, prosecuted and sentenced to imprisonment, but nobody ever suggested that because there was such an embezzlement, either the Department of the Post Office should be suspended or superseded or the Postmaster-General should be punished on that account. Then, again, my Lord, the Municipal Commissioners have this much in their favour that they have during the period they have served increased a large supply of water to the town of Burdwan. The number of house-connections has been vastly increased; and they were also going to almost complete the elevated reservoir for a better and continuous supply of water to the town of Burdwan. Unfortunately, however, they could not complete it owing to the contractor not being able to supply certain instruments and materials which he wanted in this time of the war. Besides that, my Lord, the difficulty in those days of transit and of getting materials and the rise in the prices have not enabled them to carry out many improvements which they would have otherwise done.

A reference has been made in the resolution itself about the fact that no arrangement had been made for flushing the drains. But, my Lord, I wish to tell this Council that when Government sanctioned the drainage scheme for Burdwan some people of that place said: "Before we start the drains you should arrange for their proper flushing and a system for the supply of unfiltered water to the town." Then the Sanitary Engineer and other advisors of Government said:—'Let the drains be completed first and the question of flushing will be taken up later on'; and for this reason there is no supply of unfiltered water. But, at the same time, it must be said that the drains have not been allowed to remain uncleansed, and every attempt was made by the defunct Municipality to do all that should have been done.

Above all, my Lord, my objection is not so much about Municipal Commissioners because we ourselves have a good deal of complaint about them. But my objection is that we, the ratepayers of Burdwan, had done absolutely nothing to justify the punishment meted out to us. The Municipality was established in Burdwan nearly 33 years ago and it was, I am told, the first Municipality which enjoyed the rights of election and since then the citizens of Burdwan have exercised their franchise with credit and advantage to themselves and to the satisfaction of Government officials. Till now nothing can be said against us ; and, I may inform this Council and the Hon'ble Member in charge of the department, that it was only nine months back that the ratepayers of Burdwan found it necessary and desirable to start a Ratepayers' Association to see for themselves, to supervise and at the same time help the Municipal administration and also to see that the necessities of the ratepayers were carefully looked into. What was the significance of the establishment of this Association after 32 years, if it was not that the ratepayers perceived that there was some apathy or neglect on the part of the Municipal Commissioners to do their work properly, and as soon as they found slackness on the part of the Municipal Commissioners, their masters, the ratepayers of Burdwan established their association to put a check on their work and conduct and they proved themselves to be hard taskmasters. I might also inform the Council that the ratepayers appointed ward committees to look into the matter and to advise the association on the working of the municipal questions. There were some Commissioners who did not give satisfaction and. I believe, those Commissioners included both the Commissioners appointed by Government, as well as those elected by ratepayers. The ratepayers have been punished for the faults of those Commissioners ; but Government has not punished those whom they appointed as Commissioners of that Municipality. Then we were anxiously looking forward for these Commissioners should to be brought before the Tribunal of the ratepayers at an early date to receive the verdict on their work, and, I think, the verdict of the ratepayers would fully justify the confidence that has been reposed in them. But that opportunity was denied. The present body of Municipal Commissioners, who have been superseded, had served the full term of their office and they ought to have gone out by the 16th of December last but they were allowed to remain as fresh elections were to be held, and it was notified towards the end of September that the general election of the Commissioners would be held on the 8th November 1918. Unfortunately this privilege was denied to us by the order of supersession passed on the 1st October and we were not given an opportunity of exercising the right that we had of choosing our representatives and of passing our judgment on the work of these Municipal Commissioners. I see no justification, my Lord, even admitting that the Municipal Commissioners of Burdwan and their executive were guilty of gross neglect and misconduct, for disenfranchising the whole body of the ratepayers because they had the foolishness or stupidity to elect these men. If there had been cases in which Government officials were found guilty of gross neglect, nobody would ever challenge that Government were guilty for the conduct of these men. Here justice demanded that the Municipal Commissioners should have been punished and not the ratepayers of Burdwan.

"With reference to the Hooghly-Chinsurah Municipality, I think, my Lord, that I speak the sense of my non-official friends when I say that a great wrong has been done to a worthy body of public men and public workers. Nothing has been said either in Hooghly or elsewhere about the public spirit, the zeal and the energy displayed by the Executive and the Commissioners of the Hooghly-Chinsurah Municipality. In the Government resolution much has been said about the water-works, about meters, about the supply of coal and about the mis-spent expenditure of water-works money and about the waste of water. But it must be remembered, My Lord, that it is due to the energy, zeal and enthusiasm shown by the present body of Municipal Commissioners and especially their worthy Chairman that the present water-works came into existence. It was his exertions and endeavours which made it possible for the Municipality of Hooghly-Chinsurah to have the

advantage and luxury of the supply of filtered water. The late Chairman of the Hooghly-Chinsurah Municipality was the leading spirit of the whole movement which brought about the establishment of water-works. No doubt the Municipal Commissioners and the Chairman received a good deal of help from Government and a great deal of sympathy and assistance too, but the idea originated with them and they worked hard for it, and the late Chairman himself contributed a princely sum for the establishment of water-works. Is it reasonable to expect that a man who worked so hard for the establishment of water-works and to whom the question was so dear, will do anything which will cause the mismanagement of the same fund or bring the whole administration into discredit? It has been reported, My Lord, that there was some difference of opinion between the Municipal Commissioners and the Sanitary Engineer at the very start and it was through the intervention of the then Collector of Hooghly, Mr. Prentice, that matters were set right. But, my Lord, since then, there have been some differences of opinion between the Sanitary Engineer to the Government and the Municipal Commissioners about many things. The principal charge against them is that they have persistently neglected to have a storage of coal for six months' consumption. The Municipal Commissioners say that they wrote to several firms, both Indian and European for the supply of coal, but they were told that they could not get that supply. My Lord, even then what was the harm if they had a month's supply? The water-works never stopped for want of coal supply; nor was there any imminent danger on that score.

The greatest offence of the Municipal executive was that they refused to put in meters in those houses where there was water-connection. My Lord, I am told—and I think a statement has been publicly made in the Press and elsewhere—that the Government asked the Municipal Commissioners to put up meters and that they agreed to do so. A challenge was however drawn up by the ratepayers that they were not bound to do it and that if the Commissioners wanted to put up meters, they must pay for it themselves. The Commissioners being thus in a dilemma did the only thing they could possibly do—to approach the Legal Remembrancer through the Collector for an opinion as to whether they could or could not realise the money from the ratepayers for the installation of these meters. They had not at any rate received the reply from the Legal Remembrancer when the order of supersession was passed. There can be no doubt that they wanted to put up meters but the only thing they wanted to do was to satisfy themselves that they would not be legally liable for the cost of the same. I am told that there are two cases pending for judgment in the High Court. regarding the setting up of meters in private houses, when they were not sure that they could realise the money from the rate-payers. As regards the Municipality paying it themselves, their funds would not permit it. I am told that they also appealed to Government for a loan for the purpose, if the Government insisted in having those meters set up, but the prayer was not acceded to. Then again, why should the question of not putting up meters affect the Municipalitity. Has there been any considerable wastage of filtered water in Municipal towns? The average consumption of water in Hooghly is not much more than it is in other Municipalities of a similar nature. It has been stated that the roads are not good and the streets not properly lighted. But my lord, the Hooghly-Chinsurah Municipality is in a very unfortunate position in this respect. They have got a large area to administer, and a very large area of roads to maintain, and these roads pass through jungles and mango groves; they realise a very small amount in taxes and they have to maintain very long roads, and for this purpose their roads cannot be kept in a condition they would like to put it. But I want to know whether the condition of roads in Burdwan and Hooghly are in any way worse than those of other Municipalities, whether under non-official or official chairmen. Of course, they connot campare with the roads of the southern portion of Calcutta or the new Capital of Dacca, Ramna, but speaking of other towns, I think they are not worse than other Municipalities. My Lord, so far as my countrymen are concerned, we have not been

convinced that there was any case made out for the supersession of these Municipalities, and in the case of the Hooghly Municipality, the Commissioners when they found that the Government was pressing them hard to do things they could not reasonably perform, I may say that as trustees to the rate-payers, they did the best thing they could and they resigned in a body and the only Commissioner now left is the Civil Surgeon of Hooghly. If the Government thought that they misspent the rate-payers' money or mismanaged the ratepayers affairs, the proper course would have been to sit on judgment on those Commissioners, and to pass their verdict on their conduct. It was not fair to disenfranchise the ratepayers for the crime of the Commissioners.

In the case of Burdwan there may be some justification for punishing the Commissioners, but there was absolutely none for the disenfranchisement of the citizens of Burdwan, and especially when it was only recently that they had begun to show a greater interest and more activity in municipal affairs and in matters of municipal elections. My Lord, the citizens of Hooghly and Burdwan say that if they had an opportunity of drafting resolutions, they could make out a better and more convincing and stronger case for the abolition of some of the departments under Your Excellency's charge, and I think my lord, that considering the circumstances and considering the fact that in these days we are looking forward to greater liberty in the matter of local self-governing bodies, I think it is very unfortunate that advantage has been taken of one or two mistakes to supersede two of the most important municipalities in this Presidency. Up till now, there has been only one case of supersession of a municipality and it was that of Santipur many years ago, and that municipality was superseded because the Commissioners persistently refused to carry out Government's orders regarding the supervision of conservancy. But in this case when the Municipal Commissioners of Hooghly and Chinsurah found that they were unable to carry out Government orders, they resigned making room for a fresh set of Municipal Commissioners to see if they could carry out those orders. The rate-payers were not given an opportunity of passing judgment on the conduct of the Municipal Commissioners. and in justice to the Municipal Commissioners of Burdwan, I must say that bad as they were, they were never called upon to offer an explanation of the charges that were brought against them, and they were never even apprised of the fact that a measure like this was in contemplation, and they were taken aback—the citizens much more so than the Commissioners themselves.

With these words I beg to move my resolution and I hope Your Excellency's Government will see their way to accept it, or at any rate to see that the citizens of Hooghly and Chinsurah are allowed the privilege of choosing a new set of representatives for the working of their local affairs.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My Lord. I have gone very carefully through the papers connected with the case of the Burdwan and Hooghly-Chinsurah Municipalities as far as they were available to me. I am not quite sure that the order against Burdwan was altogether unmerited, and it would have been very desirable on the part of the Hon'ble Mover of the resolution to divide the two cases. and to ask the vote of this House first on Burdwan and then on Hooghly-Chinsura Municipality. However, I am free to say that I am not fully satisfied that the Commissioners of the Burdwan Municipality did not or rather had not failed in their duty, strictly speaking. Whether there were actual cases of embezzlement and of theft as my hon'ble friend said, I do not understand what more is required to condemn the Commissioners of a municipality where theft can take place and embezzlement can be possible. Of course the Hon'ble Maulvi Abul Kasem is perfectly right in saying that for the offence of the Municipal Commissioners, it is the rate-payers who have been really punished. To that extent I fully agree with him, and the proper course for the Government would have been, not to supersede the Municipality, but to have watched a few weeks, and then to have another election which was coming on. But, my Lord, I am

studied the working of Municipalities in any Indian town that these Municipalities are extremely poor so far as finances are concerned and in the vast majority of cases, they have got an area to administer for the administration of which the funds at their disposal happen to be absolutely inadequate. One reason for this is that the people who are taxed to supply the finances to the Municipalities are extremely poor. I think I do not exaggerate when I say that, speaking generally, in the vast majority of cases, a very overwhelming number of the majority of ratepayers cannot pay the taxes that are imposed although these taxes are really very low. The people are too poor. My Lord, we read in the Montagu-Chemsford Report that the people in this country generally are poorer far below the standards of Europe. Examples have been given showing how poor really the average Indian is and I think it is a matter well-known to your Excellency's Government that the average Indian who has got to pay his Municipal taxes really finds it difficult to pay those taxes in time. The result is that the money that is raised by Municipalities by taxation is absolutely inadequate. In these circumstances the proper duty for the Government is not to pass extreme measures like the one under discussion but to come forward with generous grants from provincial revenues. In reading the Resolution of the Government of India on Local Self-Government I find these two observations which I would certainly think puts the whole case in a nutshell. There is a growing demand, says the Resolution, on every side for improvements. Speaking of Municipalities it says, it is not possible for all Municipalities to finance large schemes of water-supply and drainage. Then the Resolution goes on to say that the Government of India have also accepted the further recommendation of the Commission—refering to the Decentralization Commission—that assistance should be given by Government to poorer Municipalities which, without it, would be unable to carry on the normal administration required of them. My lord, historians tell us that amongst the ancient Arabs there was a horrible custom of infanticide which was as revolting to the finer instincts of human nature as could possibly be. We are told that when children were born in a family and their number was increasing, the Arabs used to decide how many children should remain and for the rest the decision was that they should be killed in order to relieve the family. This may be a short and safe method of dealing with an uncomfortable situation but it is hardly a pattern for a civilized Government to follow. Because a municipality is poor, because it cannot get on with its work and beause Government is not ready to offer financial help—therefore according to the principles laid down by Government the municipality must be superseded! Is it necessary, is it fair, is it just, it is consistent with all the principles on which civilized Government is based, that the municipality should be throttled and the custom of the pre-Ishmalite Arabs should be adopted? I submit, to a question like this, there can be but one answer.

The second charge against these municipalities is that there was a prevailing corruption and that the administration of those municipalities has been disgraced by cases of theft, embezzlement, etc. My lord, as my Hon'ble friend has already remarked—where is the department under Government which will be free from such charges? The Hon'ble Kumar Shib Shekhareswar Ray is going to give us today a lengthy statement so far as corruption in public offices is concerned and we expect, if the matter is taken up at this late hour, to listen to a tale of bribery in public offices. What about that fancy department of Government—which should be nameless for the present—which is always being pampered and which has become a blot in the fair fame of the British Administration in this country? Can it be suggested that because this corruption existed, the head of the department should be held responsible and punished with extreme penalty for faults which he has not the power of controlling? My lord, I have not had the honour nor the privilege of knowing the conditions of things in Europe, but I do think that if an inquiry is made, it will be found that bribery and curruption do exist in European municipalities also. But would anybody suggest that because these defects do exist therefore the one punishment to which

the municipalities can be subjected is that of immediate strangulation? I submit that even accepting the case, other punishment could have been deemed adequate to the requirement of the situation.

Then my lord, my Hon'ble friend the Mover has made a reference to the fact that the punishment has been inflicted not on the Municipal Commissioners because they had already served out their term, but to the rate-payers, and that in the case of the Burdwan Municipality it was hardly necessary, because the Municipal Commissioners there had been mismanaging the work of the Municipality in such a way that they had already lost the confidence of the ratepayers and in the election which was to have been held in November it was quite on the cards that they would not be given another opportunity of coming into office and mismanaging the affairs of the Municipality. That right has been rudely taken away from them for practically no fault of their own.

"My Lord, I do not wish to take up further time of this Council. If one reads the report of the Mesopotamian Commission I think he would come to the conclusion that a heavier indictment was made against the Government of India than that made by the Government of Bengal against these Municipalities."

(At this stage, the Hon'ble Member having reached the the time-limit, had to conclude his remarks).

The Hon'ble Mr. O'MALLEY said :—

"My Lord, in reply to the resolution I may say, at the outset, that the view of Government in passing orders of supersession was that, considering the long continued mismanagement, the persistent neglect and incapacity of both municipalities, it had no option, if it was to be true both to its trust and to its position as the supreme controlling authority over local bodies, but to supersede them. It is an essential part of local self-government that Government should reserve to itself, and unhesitatingly exercise, powers of external intervention in case of grave and gross maladministration. Self-government has its responsibilities as well as its rights, and it is the duty of Government to see that municipalities discharge their responsibilities. The Hon'ble Mr. Fazlul Haq has said that the Bengal Government have sinned against the principles of self-government and their development. I may quote from the resolution of the Government of India on local self-government from which he himself has quoted. The Government of India there say: "It is certainly necessary to maintain ultimate powers of intervention which are in no way peculiar to India, and which carry out the view that the control of Government over local bodies should be exercised from without rather than from within." At the same time, Government is extremely chary of exercising its power to supersede incompetent municipalities. As was pointed out by one Hon'ble Member, there has been only one previous case of supersession during the 34 years the Bengal Municipal Act has been in force. Apart from other considerations, it means a heavy addition of work to an already overworked District Officer, and I can assure the Council that Government would not add to the burden he bears except under the compulsion of grave necessity. If further proof of the unwillingness of Government to supersede is needed, I may point to the long time that elapsed before Government took this step—how patient it was with both Municipalities in spite of their persistent neglect of advice, instruction and warning. In both cases again it was careful to supersede not for a long time but only for one year, and the state of both municipalities is so bad that although the District Magistrate will undoubtedly reform the administration, he will find it a hard and difficult task to bring the administration up to the standard which Government would desire to see established before the year expires and the Municipal Commissioners resume management.

"Government, however reluctantly, felt that it was their bounden duty to discharge the trust vested in them. It is not a case of one or two or of a few mistakes as stated by the Hon'ble mover. There was long continued

constrained to say that as regards Hooghly-Chinsurah, I have gone carefully through the papers, and I am sincerely of opinion that the Commissioners of the Hooghly-Chinsurah Municipality have been more sinned against than sinning. Two indictments have been brought against them, viz., shortness of the supply of coal and secondly of insufficiency of meters. With regard to coal, it was said that they had only one month's supply, whereas there was a large order from the Sanitary Engineer for six months' supply. My Lord, I know of cases of jails, which are departments of Government, where the whole concern of brick manufacture failed at the time for want of an adequate supply of coal. That was a very critical situation, which we all know, and which ought to have been taken into consideration in the order of the Sanitary Engineer. My Lord, on the 9th of October, the supersession was passed by Government and it would be interesting to know how many months' supply of coal has been collected in Hooghly during the time the District Magistrate has been in charge of this municipality. I do not think that he has collected six months' supply of coal, although times are now altered, and the war is now practically ended. Then, with regard to meters, I understand from the papers that have been supplied to me that a number of meters had been purchased by the Municipal Commissioners, but the ratepayers objected to purchase them, and there was a question pending as to the legality of putting up meters by the municipality and trying to realise the actual cost from the rate-payers. That question was not also settled, and I would like to know, as I have already said in the case of coal, it would be very interesting to know how many meters have been fixed by the District Magistrate of Hooghly since the 9th October up to date. The thing is I cannot for a moment divest myself of the conviction that the order of Government in the case of the Hooghly-Chinsurah Municipality was a hasty order. More inquiry should have been made and more opportunities should have been given to the Commissioners to comply with the wishes of the Sanitary Engineer, and it is still more deplorable that simply because the Sanitary Engineer had his own fad, viz. that you must have a supply of six months' coal, and because they failed to do so, they should have been superseded. It is a very drastic measure and it augurs not at all well for other municipalities in the country. If the commissioners of Hooghly-Chinsurah after having themselves initiated this great improvement in the town and having spent so much for the installation of water filters, have come to grief simply because they were unable to stock six months' coal, I doubt whether it would not be a positive discouragement to any other municipality to come forward to inaugurate similar improvements in their town. They had established this water work in 1914, as I understand, and within four years and under such trying circumstances as were created by the war, Government did not pause to consider whether such a drastic step should or should not have been taken with regard to the Hooghly-Chinsurah Municipality. I fully believe there is greatness in owning one's mistake; there is no greatness in persisting in error and I hope and trust that Government will rise to the fullest height of the occasion and admit their mistake, and then restore the Hooghly-Chinsura Municipality to its former position and allow them sufficient time and opportunity to deal with the difficult situation. Whether official prestige will suffer or increase in the estimation of the public, it will of course be a matter for the Government and the public to decide. If I am to give my own opinion my free conviction is, as I have already said, that the Municipal Commissioners have been more sinned against than sinning, and the Government would rather rise in the estimation of the public if the error which it has committed in regard to Hooghly-Chinsura, were sooner than later rectified.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, at this hour I do not like to take up much of the time of the Council. All I can say is that the decision with regard to the late Hooghly-Chinsura Municipality has not satisfied the public, and as far as we have been able to gather, they are not seriously to blame, and I suggest the explanation which has been submitted may be accepted, and that Government would

reconsider its decision, and the punishment that has been meted out to this municipality may be withdrawn. As regards the Burdwan Municipality it is very difficult for us to know all the facts, but this much I can say that we sympathise with the rate-payers. There may be some shortcomings on the part of the Municipal Commissioners, but why were the rate-payers deprived of the privilege of electing a new body of Commissioners to set matters right we fail to understand. Whatever may be the real facts, at least they have a just ground of complaint and we hope that in these two cases the Government will reconsider the situation and restore their privileges.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ said:—

"My Lord, the question raised in this Resolution is of such paramount importance to the growth and development of self-government in this country that I feel I cannot record a mere silent note when this matter is being discussed in the Council. I therefore propose to say a few words in support of the resolution, but having regard to the lateness of the hour, I promise to be very brief in my remarks. My Lord, I cannot help beginning by saying that it is a matter of very great regret that at a time when the whole world is emerging towards freedom and progress it should have been left to the Government of Bengal to sound a retreat by adopting a policy which I very much regret to say is somewhat inconsistent with those enlightened principles which have hitherto formed the key-note of British administration in this country. I beg to assure your Excellency that my feelings are very strong in the matter as I feel that the decision that has been arrived at, if pushed to its logical length, means the deathblow of the progress of self-government and the development of self-governing institutions in general and I consider it herefore a matter of great regret that this decision should have been taken at a time when for all nationalities and for all races the right of self-government has just been so triumphantly vindicated by the shedding of the best blood in the world.

My Lord, the resolution relating to the two municipalities although worded in one sentence and although permitted to be discussed together, will be, as I understand, open to voting separately. I do not wish to go over the ground already covered by the Hon'ble Member or the Hon'ble Babu Ambika Charan Mazumdar, but I wish to make one or two remarks as regards some particular points that arise for discussion and for consideration. I may say at once that the position I take up is this, to use a legal phraseology, that although in these cases the evidence justifies a verdict of guilty against the accused the extreme punishment was certainly not called for. I thought I noticed a sort of diffidence in both my Hon'ble Friend Maulvi Abul Kasem and Babu Ambika Charan Mazumdar when referring to the case of Burdwan as if, so far as the order with reference to that municipality is concerned, their hearts were not moving with their tongues, or in other words, they were full of eloquent words so far as the condemnation of the decision is concerned, but that they were not quite satisfied that the order was not justified. What I submit is that whatever the evidence against these two municipalities may be, as I have already submitted, some punishment other than that already meted out to these municipalities should have amply met the requirements of justice. It is not therefore necessary for us to apportion the measure of guilt or blame to the Commissioners and the ratepayers or to differentiate between the exact nature of the offence committed by either of the Municipalities concerned. Reading the Government Resolution on the subject I find there are two main charges standing out prominently amongst the various charges that have been levelled against these two Municipalities. The first charge is that these Municipalities are practically on the verge of bankruptcy, that the Municipal Commissioners have shown the most extraordinary slackness in realizing taxes, and that works of public utility have had to be postponed for lack of funds. My Lord, I think it is a matter of almost every day experience with those who have

mismanagement in both municipalities. In Burdwan, year after year, the same gloomy tale of faction, inefficiency, waste of public money—in fact, general mismanagement and maladministration—had to be told. The Collector, the Commissioner and the Government had stigmatized the laxity of administration throughout the time the Municipal Commissioners had held office, but no attention was paid. There was no attempt at reform: things went from bad to worse. There were undoubtedly some Municipal Commissioners who were anxious for reform, but either their energy or their power was insufficient and they failed to effect any improvement. The influence at work, the prevailing spirit, is sufficiently clear from the fact that when a special enquiry was held this year by a Deputy Magistrate under the District Magistrate's orders, it was impeded by efforts to suppress the facts and to alter or destroy incriminating documents.

"In Hooghly-Chinsura, the Municipal Commissioners failed to fulfil their primary duty of managing their affairs so as to pay their way. The District Magistrate had the unpleasant task of taking over a Municipality with arrears of Rs. 32,000 and a cash balance of only Rs. 850. Collections had been neglected; there were arrears of taxes aggregating Rs. 12,000: no warrants had been issued for the first quarter of the year, and as the period of limitation is 3 months after the demand is presented, they cannot now be issued. All that can be done is to hope that the defaulting rate-payers may be persuaded to pay up or forced to do so by the slow and tedious process of civil suits. Bills were unpaid for over two years and more: the unpaid bills for coal alone amount to Rs. 5,000. Much has been made of the difficulty about getting coal, but it is fairly obvious that contractors must fight shy of supplying people who do not pay their bills.

"Much has also been made of the general difficulty of ways and means. I do not propose to go into details about this. But the broad issues may be summarized in two proverbs: One is, you must cut your coat according to your cloth, which, in this case, means that if you want a pure water-supply and other civil amenities you must tax yourselves properly and sufficiently to get them and keep them up. If you do not, you must go without them. The other is, when there's a will there's a way; and the Municipal Commissioners of Hooghly-Chinsurah showed no willingness to put their house in order.

"So far to the contrary—so far did the fatal habit of procrastination prevail—that a month before supersession, at a time when the Commissioner had insisted on their facing the growing gravity of their financial position, at a time when their unpaid bills amounted to over Rs. 30,000 and their cash balance to a little over Rs. 200, they deliberately resolved to postpone the consideration of the question. And a month later, when Government superseded them, they had only Rs. 850 in hand to pay bills amounting to over Rs. 30,000.

"As regards the question of meters, the Government Resolution speaks for itself. Briefly the facts are: Nearly three years ago Government published rules under the Act prescribing meters for house-connections, the object of which is to prevent the interests of poor people, who have to get water from street hydrants, from being sacrificed to their richer neighbours who have private house-connections and can afford to pay for an excess quantity of water. So far from observing these statutory rules, the Commissioners had within seven months after the issue of those rules given nearly 300 house-connections without meters. Even after Government issued orders insisting on the rules being observed, the Commissioners procrastinated, and while they procrastinated, prices rose and the supply of meters on the market grew less. I need not recapitulate the correspondence. Matters came to a head at the beginning of this year (January 1918) when the Municipal Commissioners were told that they would be superseded unless they took effective action. The Commissioners then followed the instructions of Government by buying meters but took no steps to get them fixed. By September this year only 55 out of 400 connections were metered. Of these, 40 were on Government buildings, and there were only 15 on private

connections. It was at this time—and this is a point to which the Hon'ble Mover has referred—nearly 3 years after Government orders were issued that the rules must be carried out—that the Commissioners went into legal questions and stated a case for opinion. All this time the consumption of water was rising and the cost of the water-works increasing without proper payment being made by the well- to-do for private connections.

"As to the supply of coal for the water-works, I may merely point out that for 2½ years the officers of Government had been trying to get the Municipal Commissioners to realize their duty and make proper business-like arrangements which would not only prevent a breakdown, but also be economical. There was, however, a breakdown, and there was a serious outbreak of cholera which the Civil Surgeon attributed to the failure to keep up the supply of filtered water from the water works and that again to the neglect to get sufficient coal. The Sanitary Board itself addressed the municipality a grave warning: but the warning produced no effect, and in the last month before supersession the management of the water-works was as bad as ever.

"In spite of this, Government decided to allow the municipality a last chance and the Hon'ble Member-in-charge of the Municipal Department gave the Chairman and Vice-Chairman an interview, in which they were informed that the Commissioners might save themselves from supersession if they took steps to do all that was necessary. So far from endeavouring to do anything 17 Commissioners resigned. It is difficult to resist the suspicion that their action was designed to prevent supersession, their idea being that if they resigned, Government could not supersede them or would at any rate be embarrassed or have its hand forced. If this view is correct, their action bears some similarity to that of culprits to whom a merciful Judge offers the chance of reformation instead of sentence and who think that they can avoid sentence by absconding. The idea that they hoped to prevent supersession has some support from the articles contributed to the newspapers which use almost identically the same words. They say: 'It is clear that the action taken by the Government in superseding gentlemen who were not in existence as Commissioners is quite illegal, improper and *ultra vires*.' I do not wish to enter into legal niceties. I may merely say that when Municipal Commissioners are superseded they are superseded not as individual persons but in their corporate capacity; and I can assure the Council that the question was considered by Government before their orders were passed and that Government acted on the highest legal authority.

"It has been asked, and this has been the chief point raised in the debate, why should not Government have left things as they were till a fresh election was held. In the case of Hooghly, a peculiar situation had been created by the resignation of the 17 Commissioners. Having resigned, there would have had to be a bye-election for each vacancy among the elected Commissioners. A new Municipal Board would have had to be formed which would hold office till the general election was due, and the Commissioners who had so long mismanaged the Municipality would have managed to get the opportunity of carrying the bye-elections and continuing their mismanagement. In the meantime the town would have suffered, and this was a contingency which Government could not tolerate.

"In the case of Burdwan, there was good reason to believe that there would not be a straight election. A ratepayers' association had, it is true, been formed to voice public grievances, as pointed out by the hon'ble mover; but it was of comparatively recent birth and public opinion was not strong enough to counteract the influences at work. Those who are familiar with municipalities know that there are various ways in which a party in power can maintain its position—for instance, by enhancement or reduction of the valuation on holdings, condoning licenses for trades, granting or withholding facilities of water-supply, instituting or omitting to institute prosecutions for breach of bye-laws, suffering decrees to be time-barred, and the like. These practices are known to have gone on, and it is significant that there were over Rs. 30,000 of arrears of taxes outstanding just before the election. And

if the Commissioners had been allowed to remain in office, it was practically certain that there would not have been a free and fair election."

The Hon'ble RAI DEBENDER CHANDRA GHOSE BAHADUR said :—

"My Lord, I would only refer to one or two facts in connection with the charge brought against the Hooghly-Chinsurah Municipality, *i.e.*, the shortage of the coal supply for the water-works. As I gather the facts, in the Bengal mofussil municipalities, where water-works are in existence and in question, the Government Sanitary Engineer rules the situation. His instructions are to be carried out by the municipality and if there is a failure on the part of the Commissioners to carry out his instructions, then the Government condemns the Commissioners. I understand that the instruction of the Sanitary Engineer was that there should be in stock a six months' supply of coal for the water-works. These instructions were not carried out and they had just sufficient coal for one or two months. As there was a disobedience on the part of the Commissioners to the orders of the Sanitary Engineer, Government took it very seriously and chose to supersede the municipality.

I happen, my Lord, to be connected with a municipality and I have the honour to represent the Corporation of Calcutta on this Council The resources of the Calcutta Corporation are very large and the resources of our coal-suppliers are also very large. We are going to have a meeting of the Corporation tomorrow in which we have to consider—how to deal with our coal supply. The coal is supplied by a firm of great repute and standing—I shall not name the firm as it is not necessary. They are unable to supply coal of the required quality and quantity as per contract and they say that unless the relations between the parties are re-adjusted they will stop the supply. The executive, who are responsible for the facts being placed at tomorrow's meeting, say that the supply which their firm is making is sufficient for two a three days and that is the way in which supplies have been made for some time past. Of course, every one knows that there is a coal difficulty and there is also railway difficulty, but in the case of Calcutta we do not feel that difficulty to any extent, because the Chairman of the Corporation makes it his business to ease the situation by communicating with the proper authority ; the difficulty is felt by the coal supplier for reasons I need not mention. There is the fact, however, that we have in our pumping station coal for two or three days' consumption and that has been going on for some time. It is fortunate that we are not controlled by the Government Sanitary Engineer in this matter. If it had been so, probably we would have been hauled up before Government for our laches. I believe the shortage of coal supply is the principal charge, but not the only charge against the Hooghly-Chinsurah Municipality. I think that the shortage in the supply of coal is due to the circumstances created by the war."

The PRESIDENT, said :—

"There are a number of gentlemen who wish to take part in this debate. I regret to say that I have an engagement myself at 6 o'clock of a public character. Under these circumstances, I propose to adjourn the meeting now until 11 o'clock tomorrow morning when we will take the remainder of the discussion of this motion and of the other motions which stand on the paper."

ADJOURNMENT.

The Council was then adjourned till Wednesday the 27th November at 11 A.M. in Government House, Calcutta.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council.

CALCUTTA,

The 9th December 1918.

APPENDIX A.

[REFERRED TO IN ANSWER TO QUESTION NO. III (UNSTARRED) OF THE 3RD SEPTEMBER 1918.]

Paper referred to in item 3 of the List of Business for the meeting of the Council held on the 26th November, 1918, containing information regarding the Nawab of Dacca's steam launch at Barisal. The information was called for by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *in Question No. III (unstarred) asked at the meeting of the Council held on the 3rd September, 1918.*

By the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI :—

Is it a fact that a steam launch is maintained at Barisal Ghat for the estate purpose? How much does it cost annually? For how many days from 1907 to the 31st March 1918, was she out from the Barisal Ghat for the estate purposes?

Answer by the Hon'ble MR. KERR :—

Yes. The average annual cost is Rs. 2,351. No record has been kept of the number of days on which the launch was used for estate purposes."

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Wednesday, the 27th November, 1918, at 11 A.M.

Present:

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the presidency of Fort William in Bengal, Presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. S. G. HART.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble MR. J. MACKENZIE, O.B.E.

The Hon'ble W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble MR. J. W. HELY-HUTCHINSON.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble BABU SIV NARAYAN MUKHERJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. F. W. CARTER, C.I.E., C.B.E.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble MR. K. B. DUTT.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

RESOLUTIONS.

(Under the rules for the discussion of matters of general public interest.)

LIST OF BUSINESS—ITEM No. 18—*contd.*

The PRESIDENT said :—

"We will continue discussion on item No. 18."

The Hon'ble MR. P. C. MITTER said :—

"My Lord, I listened with great attention to the discussion on this item yesterday, and I for one think that in the interests of Local Self-Government, if the interests of the situation demand it, if there has been gross maladministration, then the Government would be perfectly justified in suspending the municipality as it has done. But, My Lord, although I venture to think that the order of suspension perhaps was justified—I say perhaps because I can only proceed upon the Government resolution on the subject—beyond certain observations I heard yesterday, I had no opportunity of examining the facts, and not having that opportunity I prefer to follow the facts as stated in the Government resolution. Taking that as my standpoint, I desire at the same time to bring to the notice of Your Excellency's Government and of this Council, certain points which struck me on reading the Bengal Municipal Act.

In the first place, section 65 of that Act undoubtedly authorizes the Government to suspend any municipality if the contingency referred to in that section occur, but it also authorizes the Government to direct that the supersession should be the period to be specified in the order. If that section stood by itself, there would be nothing to prevent the Government from superseding a municipality for two or five or even ten years if the interest of the situation demand it, but, My Lord, there is another section, section 21. That section lays down the term of office of a Municipal Commissioner. Under that section every Commissioner shall vacate his office at the end of three years from the date of his appointment or election as such Commissioner. Now, My Lord, I take it the position is this. The ratepayers elect certain Commissioners, and those Commissioners for the time being are the representatives of the ratepayers. Section 65 speaks about the suspension of Commissioners, that is, the representatives of the ratepayers. I understand, My Lord, that in the case of the Burdwan Municipality, election was due in September, and I understand, further, from certain observations of the Hon'ble Maulvi Abul Kasem that, as a matter of fact, the election was to take place in November. Assuming that the Government was perfectly justified in suspending the municipalities, I venture to think that the order of suspension for one year was beyond the spirit of section 65. I do not propose to discuss the point as a lawyer, nor do I propose to discuss the point on mere technicalities, but looking broadly at it, I would like to know what is the object of the Government. I have not the slightest doubt that the object of the Government is to improve the administration of local self-government. If that be the object of Government, that object is perfectly vindicated by this order of suspension, and that object will be equally vindicated after the lesson that these municipalities have had, if an early order were passed to the effect that there should be a fresh election in January or February. That is my humble suggestion which I lay before Your Excellency's Government, and my position with regard to the matter is that while I do not see eye to eye with the Hon'ble Maulvi Abul Kasem that the order of suspension was bad, at the same time I do not feel justified in accepting the position of the Government that the suspension for one year was good.

"There is only another point on which I would like to address the Council very shortly. It may be said that unless the suspension be for one year, the district officer will have no chance of really putting the administration of these two unfortunate municipalities on a proper basis. To this, my answer is that at any rate, speaking for myself, a trained administrator will always administer more efficiently than any local self-governing body, however anxious they may be. But, at the same time, for several reasons, it is an accepted proposition that local self-governing bodies should be allowed to do their best. They may lose in point of efficiency, but there are other advantages in allowing local self-governing bodies to administer their functions in the best possible way. Regard being had to that position, it may be said that if you look to the question of mere efficiency, perhaps administration by a trained administrator would be better for all times. If, for other reasons, we want to give a real chance to local self-governing bodies, then I should think that these municipalities have had their lesson, and I should think the new Commissioners should be allowed to do their best. From the point of view from which I look at the question I think that will give them a chance of really trying to do away with the past bad administration."

The Hon'ble BABU BHABENDRA CHANDRA RAY said :—

"My Lord, I do not propose to go over the ground already covered by the previous speakers to this resolution. The charge against the two now defunct municipalities is, I take it, one of gross inefficiency, coupled in one case with corruption, and in the other heightened by a reckless disregard of consequences to public health that might easily have followed.

"Unfortunately, My Lord, inefficiency or indifference, due to the [illegible] of [illegible] responsibility, is not confined to the municipal bodies of Bengal. Corruption, jobbery and oppression were not very uncommon incidents of municipal administration in the land of our rulers, prior to the Municipal Corporations [illegible], after years and years of its inception. But so far as I am aware, these circumstances were never made the pretext for abolishing local self-government or setting back the hands of the clock. There are, no doubt, provisions in England for compelling inefficient or unwilling local bodies to do their duty. But there is one fundamental difference in the case. In England, it is one popular and self-governing body controlling another, the central authority itself being responsible to and composed of the representatives of the people. And, to be frank, here in India there has grown up through years past a barrier of mutual distrust—a sort of lurking suspicion and antagonism—betweeen the self-governing bodies and the central authority The controlling authority appears more in the light of the Grand Moghul—a hectoring, dictatorial, fastidious personality—nothing of that friendly task-master which the English local bodies have in the central authority as represented by the Local Government Board. It is a position which does not benefit either Government or the local bodies. I concede that the control over these bodies is always exercised by Government with the best of intentions. But, unfortunately, Government do not very often get any credit for their *bona fides* in these matters—the result being that neither the local bodies themselves, nor the people at large, are satisfied with any exercise of extraordinary powers on the part of Government. I need not remind Your Lordship that it is necessary not only that justice should be done, but that the people should be made to feel that justice and nothing but justice is actually done.

"My Lord, I plead for a greater patience with our self-governing institutions which have yet to attain maturity. As I said, inefficiency is not their exclusive characteristic. The record of our provincial administration itself is not an unbroken and glorious stretch of success and efficiency. Without raking up the past, I would just refer to the cloth question with which we are all familiar. What a sad story of fatal inaction and bungling—that has cost the lives of so many of our poor brothers and sisters—not to mention terrible sufferings of the people in general. Here it was not a case of problematical loss of human life, as in the case of Hooghly-Chinsurah shortage of coal over which Government have shown so much concern—but actual death of men and women who were driven to seek it at their own hands as a deliverance from nudity and dishonour. Since the 4th September, 1917, when attention was first drawn to the cloth problem by me in this chamber, Government succeeded in finding very many excuses on various occasions for not interfering with a situation which was certainly remediable to a great extent. And when the psychological moment had slipped by, Government awoke from their stupor.

"My Lord, one should not judge others by too exacting a standard, lest he himself is judged as strictly!"

The Hon'ble BABU SURENDRA NATH RAY said:—

"My Lord, I want to say only a few words with reference to this resolution. As Chairman of a mufassal municipality, I know the difficulties of Municipal Commissioners and of Municipal Chairmen and Vice-Chairmen, especially when the municipality is not a very solvent one. I know the difficulties they experience in making two ends meet. With reference to the Burdwan Municipality it is alleged that defalcations had been going on for years, and that there was nobody to check those defalcations. That may be a fact against the municipality, but I know defalcations have taken place in District Boards under official Chairmen and large sums of money—lakhs and lakhs of rupees—have been defalcated from Government treasuries without the official head knowing anything about it. With reference to the

Burdwan Municipality, it has been urged by some of my hon'ble friends that the ratepayers should not suffer on account of the neglect of duty on the part of the Commissioners and the municipal executive. I think that is a very powerful argument in support of the resolution, especially when you know that the 8th November was fixed as the date of election. If the ratepayers had persisted in electing the same Commissioners, Government probably would have been quite justified in suspending the municipality or in taking such action as they thought proper under the circumstances. We hear that a Ratepayers' Association has been formed there, and such an association is generally formed when the ratepayers are dissatisfied with the working of the present staff of the municipality. An opportunity ought to have been given to the ratepayers of Burdwan to elect new Commissioners and new executive officers to guide the affairs of the municipality.

"Then with reference to the Hooghly-Chinsurah Municipality. There are two charges against it. I mean two serious charges, one is shortage of coal, and the other is indiscriminate house connections without meters. Well, I may say without any breach of confidence that, being a member of the Sanitary Board, we brought this matter to the notice of Government, but it was further from our wish that Government should take such drastic steps as to suspend the municipality for neglecting to keep coal for six months or for this indiscriminate house connection. There is one fact which may not be known to many of us, but which is known to the Hon'ble Mr. Payne and the Hon'ble Babu Mahendra Nath Ray, and it is this, that when Howrah was under an official Chairman, there were indiscriminate house connections, and the result was that the people of Howrah got water only about four or five hours every day, never more than that. Well, that was the result of indiscriminate house connections during the time of the official Chairmen. Did the Government take any steps to suspend the Howrah Municipality when it was under the official Chairman because the public of Howrah did not get a sufficient supply of water? It is only now, under a non-official Chairman, that steps have been taken to fix meters whenever there has been a new house connection.

"Then, as regards this shortage of coal. Government wanted that six months' coal ought to be stored; there were difficulties in getting this six months' supply, as explained to Your Lordship. As regards meters, it is well known that the price of meters has gone up very much, probably more than twice the original price. And because a poor municipality like the Hooghly-Chinsurah Municipality could not purchase meters worth Rs. 40,000, which is probably the net annual income of the municipality, therefore they have been suspended. I ask one question. Your Lordship must have heard, or must be aware, of the breakdown of the Kidderpore bridge. I should like to ask whether this is not a greater scandal than the breakdown of the Burdwan or the Hooghly-Chinsurah Municipalities. Here you have a bridge, an important bridge over which thousands and thousands of people cross, over which tramcars run and probably about 10,000 carriages, horses, and motor-cars run every day; well, one evening, about 4 o'clock, the Tramway Company received notice that from the next morning the tramcars should cease running over the bridge. What was Government doing all along? Is it for the first time that they came to know that the bridge was not in a proper condition and was not safe? It was a Government department, the Public Works Department, who should have brought this to the notice of Government, but it was the engineer of the Calcutta Improvement Trust who brought this matter to the notice of Government. What was the Government of Bengal doing all along with its large establishment? Then, I may tell Your Lordship that for the last 7 or 8 years I myself have been telling the heads of the Public Works Department who are in charge of this bridge that a new bridge ought to be built; the Tramway Company have been telling the Government the same thing, and I myself saw Mr. Green, who was a Secretary to the Government, and then I found from an answer given to a question which I asked in this Council yesterday............"

The PRESIDENT said : "Order, order. I must point out to the Hon'ble Member that he is getting a little bit wide of the question under discussion. The question under discussion is the supersession of the municipalities of Hooghly-Chinsurah and Burdwan. I have no objection to the Hon'ble Member referring to the Kidderpore bridge in passing, but I think that I must call him to order if he goes into that question at any great length."

The Hon'ble BABU SURENDRA NATH RAY continuing said :—

"Government, with its large resources, are not in a position to say when the Kidderpore bridge will be put in order, and a poor municipality like the Hooghly-Chinsurah Municipality, with its small income, is required to spend Rs. 40,000 on the purchase of meters. These are facts which ought to have been taken into consideration before superseding this municipality. It is thus that the death sentence has been passed. Government ought to have given proper warning to these municipalities before suspending them. I think the best way of getting out of the difficulty would be to withdraw the order of suspension and allow these municipalities to elect new Commissioners and a new executive. With these remarks, I support the resolution."

The Hon'ble BABU MAHENDRA NATH RAY said :—

"My Lord, the municipalities which have been superseded are two of the most important of my constituencies and of my friend the Hon'ble Mr. Dutt. I have naturally taken a very keen interest in the orders of supersession. These orders coming in quick succession within an interval of a week have created very great consternation in the province, and one section of the Press has not missed the opportunity of basing upon the facts of these two successive supersessions a strong case against constitutional reforms. The statutory powers under which Your Excellency's Government superseded the two municipalities are contained in section 65 of the Bengal Municipal Act. Your Excellency and the Council will forgive me even at this late stage of the debate if I venture to refer to the provisions of that section. That section empowers Your Excellency's Government to supersede Commissioners who are not competent to perform or persistently make default in the performance of duties imposed on them by or under the Act or otherwise by law, or exceed or abuse their powers. These powers are based on the law. I might remind the Council that side by side with this extreme penalty there is a provision in section 64 of the Act which empowers Your Excellency's Government in case of a default of Commissioners in certain particulars, or in respect of certain works, to take over the management of that work, on condition that the cost of management comes out of the municipal fund.

"My Lord, I am aware of the reasons which Your Excellency's Government have given in writing for the supersession of these two municipalities. I am aware, My Lord, of the fact that in the case of the Burdwan Municipality there were serious malpractices or abuses of power within the meaning of section 65 of the Act, for it was pointed out that, when an enquiry was made into certain alleged cases of defalcation, papers were suppressed in many cases on the plea that they could not be traced, neither the Chairman nor the Vice-Chairman showed alacrity in assisting the investigation, and the Municipal Commissioners would not disclose facts that might reflect discredit on their administration. There is the further fact pointed out that the collections were very very badly in arrears, and, as the order says, the two grounds upon which this particular municipality has been superseded were, first, incompetency as provided in section 65 and then abuse of power ; the incompetency being a general one involving incapacity to collect arrears and inefficiency involving waste of public money. I am bound to say that if all these facts are well founded—and we must take it that Government proceeded upon proper materials—it is perhaps a case where Government would have the power to supersede the municipality under section 65. But one thing, My

Lord, is obvious. The supersession of the municipality involved disenfranchisement of the people of an important town, and unless Your Excellency's Government were convinced that there was such an identity between the Commissioners for the time being and the whole body of ratepayers in the town that even if a fresh election was directed the result of that election would be the reappointment of all the Commissioners, it would be, I submit, although Government has the statutory power, not a case where that power should be exercised. We all know that section 65 of the Bengal Municipal Act and the corresponding section of the Local Self-Government Act make provisions for extreme cases which should only be exercised if there is no other alternative, and the question is whether Government could not have remedied or improved the affairs which were certainly passing from bad to worse by ordering a fresh election. We have been informed that the fresh election was due in the month of November.

"My Lord, with regard to the Hooghly-Chinsurah Municipality the matter, I think, stands upon a different footing. There the grounds upon which supersession is directed are, as I find, grounds of incompetency and persistent default in the performance of duties. The specific cases which are set out to support the indictment under these two heads—incompetency and persistent default in the performance of duties—are these. I am sorry I may have to go over the same ground which has been traversed so many times by all the speakers in the Council Chamber this morning and last evening. But one of the first points which were made was that the municipality, in spite of persistent directions, defaulted in securing a supply of six months' coal in advance. Well, My Lord, whether the municipality was failing to do a statutory duty imposed upon it because it failed to carry out the order of keeping six months' stock of coal in advance, is a question which is not free from doubt. There is no law which requires that every municipality should keep six months' coal in advance. One municipality, with the management of which I am entrusted, at the present moment keeps, as Mr. Payne knows very well, two months' stock of coal in advance, and during the stress of the four and a half years through which we have passed, the Howrah Municipality has met with absolutely no difficulty in respect of the supply of coal, simply because it keeps only one or two months' coal in advance. The peremptory order to keep six months' coal in advance was an order which, I make bold to say, is justified by no precedent and is justified by no absolute necessity. With the Sanitary Engineer to the Government of Bengal and with the Sanitary Commissioner to the Government of Bengal we have often our quarrels, and I myself have often quarrelled with them. But I am not convinced that under the instructions of the Sanitary Engineer to the Government of Bengal a mufassal municipality could be directed under the statute to keep six months' coal in advance. It might have been—and I have no doubt it was—a wise advice in view of the difficulties of the times and perhaps the Hooghly-Chinsurah Municipality should have, if they were able to do so, tried to give effect to the advice; but the failure to keep six months' coal in advance is not a breach of statutory duty nor such as would justify a suspension under section 65 of the Bengal Municipal Act.

"Then, there are other matters, My Lord, for example the alum. Well, I am convinced that something is absolutely necessary to purify water, be it alum or aluminum ferric, and I was really surprised to learn that my friend, the Hon'ble Rai Mahendra Chandra Mitra Bahadur, did not pass stringent orders for the supply of a sufficient quantity of alum for the purification of water with the result, we are told, that the water showed in July last intense fœcal deposits, due to insufficient filtration, as a result of which the water was not better than the raw river water. Here, again, there is no breach of statutory duty. The water, at any rate, was not worse than river water, but I am sorry that the result was not satisfactory, and I admit that it was very unsatisfactory. We were then told, My Lord, in the resolution that the municipality failed to perform its duties by not raising the water-rate to an adequate extent. Well, the Act provides for the levy of 7½ per cent as the maximum. In the Howrah Municipality, we impose 6 per cent, and I believe the municipality of Hooghly-Chinsurah imposes a rate of 6½ per cent. Well, if that is so,

it can hardly be said that the rate which was imposed in the Hooghly-Chinsurah Municipality was not an adequate rate. I am not aware of municipalities where water-rates are higher than 6¼ per cent. I am sorry, further, that the meter question presented to them so much difficulty. In the Howrah Municipality we enforce Government rules in spite of the protests of ratepayers, but we are in a very different position. The meter rules came into force in February 1915. Long before that Howrah had a very large number of house connections and the law does not allow retrospective effect being given to the rules in order to require old house-owners enjoying house connections without meters to furnish them now at their own cost. In the case of an old municipality like Howrah, the rule is enforced only in the case of applications for new connections, and we have persistently refused such applications without meters, meters being furnished at the cost of the ratepayers.

"In the case of the Hooghly-Chinsurah Municipality, however, the inauguration of the water-works and the introduction of the rules were simultaneous, resulting in this, that if the rule was strictly enforced no house-owner could have any meter connection from the time of the commencement of the works unless he either paid for the meter or furnished a meter for himself. Well, whether the Municipal Commissioners should have risen up to the occasion and enforced the rules without waiting for Law Courts to decide whether the rules were *ultra vires* is a matter which I would leave to them. My Lord, my opinion is that the municipality should have enforced the meter rules ; that is, however, a matter of opinion."

[At this stage the Hon'ble Member, having reached the time-limit, had to conclude his remarks.]

The Hon'ble MR. K. B. DUTT said :—

"My Lord, in supporting this resolution I must, in the first place. make my position perfectly clear. I have carefully read both the resolutions—one regarding Burdwan and the other regarding Hooghly-Chinsurah ; and I must say that the case of Burdwan stands entirely on a different footing. The resolution clearly states the circumstances which bring the case of Burdwan under section 65 of the Bengal Municipal Act. But, with regard to Hooghly, I myself entertain very grave doubts whether the Government could have taken action under section 65 of the Act. If the Government found that the municipality had been persistently neglecting its duties with regard to a particular matter, section 64 of the Act gave ample powers to the Government to take action under that section. However that may be, what I really felt was that at the time when we had been considering the Reform Proposals and when, with regard to Burdwan, the election was fixed to take place on the 9th November, was it desirable to take the action which was taken in this matter, taking for granted that the Municipality had been guilty of malpractices and of abuse of powers ? What the people in the Burdwan Division—and, if I may say so, in the whole of Bengal—have really felt, is : was this drastic measure necessary when the difficulties could possibly have been avoided by a fresh election ?

"Then, My Lord, as I have already stated, the supersession of the two municipalities, one coming after the other, certainly created a mischievous impression—I may say, personally speaking, a wrong impression—but it is my duty not to conceal the impression which was being freely talked about not only in Bengal, but all over India, that this action on the part of the Government has been taken with a view to show that the people of Bengal specially are not fit for responsible government. I candidly say that it was far from the intention of Government. However, people say so. A long telegram had also been sent by Reuter to England to that effect. Therefore, the best solution—if I may be permitted to suggest—is to withdraw this order and to order fresh elections. That would satisfy, no doubt, the Government on the one hand and the people on the other."

The PRESIDENT said :—

"Gentlemen, I am sure that we shall be at one when I say how deeply we regret the absence from our deliberations of the Hon'ble Member in charge of this department, the Maharajadhiraja Bahadur of Burdwan. We shall be at one in regretting still more the unfortunate cause of that absence, and I am sure that we shall all wish that the Maharajadhiraja Bahadur will be restored to complete health at a very early date.

"Well, in the absence of the Hon'ble Member of the Government who is in charge of the department, concerned with this motion, it devolves upon me to say a few words in explanation of the action which the Government has taken. First of all, let me dispose of the charge against us—if I may say so a very childish charge—referred to by the last speaker that we had taken this action for the express purpose of casting discredit upon the people of this country and for demonstrating their inability to manage their own affairs. Surely, it may be fairly argued that if that had been our object we should have been very much more likely to have achieved it by allowing the two Municipal Boards to continue in office. No, gentlemen, whatever else the Bengal Government may be, they are not a Machiavellian Government. I would respectfully ask the Hon'ble Members of this Council to look at us. Do we look like three Machiavellis? Do we look the sort of people who would sit round in secret conclave, hatching, with bated breath, far-fetched schemes for discrediting the people amongst whom we live and over whom we exercise authority? No, I feel sure that we are in reality precisely what we look—as to two of us, straightforward and simple Scotsmen; and as to the other, a straightforward and simple Englishman. And if I may say so, this charge is a little ungracious in the case of the present Bengal Government. Have we not, during the comparatively short period of our existence, done more than any previous administration in Bengal to advance the cause of local self-government? Only yesterday we reached an important stage of a Bill, framed and advanced by us for the purpose of laying firm the foundations of self-government in the villages of this Presidency. Does that look as if we wish to discredit the ability of the people of this Presidency to manage their own affairs? And then, again, who was it who gave to certain of the District Boards in this Presidency, for the first time in their history, the right of electing their own non-official Chairmen? Why, it is this Government which, we are now told, is bent childishly and vindictively on superseding municipalities for the express purpose of discrediting the very policy which they themselves are pursuing. Surely, the charge is ridiculous upon the face of it. The action which was taken by this Government was taken with extreme regret; it was taken in the interests of the people and the ratepayers of the two localities primarily concerned; and if, indeed, it be a fact that the failure of the Commissioners in these two cases satisfactorily and efficiently to manage their affairs has had the result of creating in the minds of anyone a suspicion that the people of Bengal are not fit to discharge these duties, then I say that it is not so much to the fact of their supersession that that impression has become due, but to the wide advertisement which has been given to their failure in the Press and still further, I am afraid, by the debate which the Hon'ble Member inaugurated in this Council yesterday. I do not know whether the Commissioners concerned will be grateful to the Hon'ble Member for having given this further advertisement to their unfortunate failure satisfactorily to discharge their duties; but I should be disposed to doubt whether they would. At any rate, from that point of view I myself frankly confess to feeling some regret that this discussion has been forced upon us. I do not propose to travel in detail over the ground which was admirably trodden by the Hon'ble Mr. O'Malley yesterday and which has been traversed by many other speakers in the course of this debate; but there are one or two points which have been raised by the speakers, to which I feel bound to make some reference.

"For example the Hon'ble Babu Ambika Charan Mazumdar has given it as his opinion that our action in this matter had been ill-considered and hasty.

I can assure the Hon'ble Member that whatever else our action may have been, it most assuredly was not hasty. The facts are indisputable. And what are the facts? The facts are these : that ever since March 1915, a period now extending over from three to four years, a whole series of authorities have represented to Government the faults and the omissions of duty which they put down to the Commissioners of the Hooghly-Chinsurah Municipality. Let me say a word in passing with regard to a remark made by an Hon'ble Member yesterday. Government realise and appreciate, as much as does any other member of this Council, the great service which the late Chairman of the municipality rendered by the zeal, the enthusiasm and the patience with which he laboured to secure for that municipality an adequate system of water-supply; we appreciate his public service in that respect. But I would respectfully suggest that, while we enormously appreciate all that he has done in securing to the municipality an adequate system of water-works, that does not absolve us at the same time from deploring the administration which has resulted in the fruits of his labours being rendered sterile. I have referred to the fact that these complaints have been made during a period of some 3½ years. It was suggested by one speaker yesterday that the Sanitary Engineer had a personal grudge of some kind against the Municipal Commissioners and that he had succeeded in persuading Government to take this action in order to satisfy his own feelings of vindictiveness. Surely, that is a somewhat unworthy suggestion, and in any case it can be shown easily to be without foundation. The complaints which have been made and the warnings which had been issued to the municipality were not by *one* man only, but by no less than *eight* different authorities. We have had complaints from the District Magistrate, from the Commissioner of the Division, from the Sanitary Engineer, from the Assistant Sanitary Engineer, from the Government Inspector of Water-works, from the Civil Surgeon, from the Local Examiner of Accounts, and last but not least from the Sanitary Board itself. In submitting a report to Government which was made by the Sanitary Board, the Secretary to the Board writes as follows, and I would ask Hon'ble Members to give serious attention to these words :—

'The Sanitary Board decided at their last meeting that it was necessary for them to bring to the special notice of Government this instance where the neglect of their most elementary duties by the Commissioners of the Hooghly-Chinsurah Municipality has resulted in serious loss of life. A serious outbreak of cholera recently occurred at Hooghly-Chinsurah, which was due, as pointed out by the Civil Surgeon, to the inadequate supply of water. The shortage of supply was the result of the failure of the municipality to maintain a sufficient stock of coal at the water-works. The Sanitary Board and the Sanitary Engineer have on several occasions pointed out to the Municipal Commissioners the danger of keeping such a small quantity of coal in stock, and in February last the Sanitary Board advised them to keep a six months' supply in reserve.'

"When the Hon'ble Member who presides with such conspicuous ability over the affairs of the Howrah Municipality raises the question of the necessity of keeping six months' supply of coal, I may point out that that is a recommendation *not* of the Government *but* of the Sanitary Board. Well, it is possible that four or five months' stock of coal might be deemed adequate. But I may point out that in the case of the Hooghly-Chinsurah Municipality the supply was reduced to one or two days; indeed they had to burn firewood on one or two occasions in order to keep the water-works going at all, because there was no coal available.

"But although the greatest amount of stress has been laid upon the inability of the Municipal Commissioners to manage the water-works, that is by no means the only respect in which they have failed in the discharge of their duties.

"In the note of the audit of the Municipal accounts which was dated 13th November, 1917, the Examiner of Local Accounts observed that the taxation accounts were in a deplorable condition, and in his annual report for 1917-18,

dated 1st September last, the Commissioner of the Burdwan Division, after referring to the fact that the Municipal Commissioners had appointed neither a Health Officer nor a Sanitary Inspector as required by the statutory rules of Government, went on to say as follows: 'There has been a lack of supervision over the Municipal staff with the result that serious irregularities and embezzlements have occurred, heavy arrears of taxes have accumulated, large outstanding liabilities have not been met, and the closing balances have been unduly reduced The outstanding liabilities are considerable and the financial position is very unsatisfactory. This is partly due to the imposition of an inadequate water-rate, the income from which is insufficient to meet the charges for water-supply.' As a matter of fact, a further examination of the accounts by the Commissioner showed that the actual cash balances on the 31st August was only Rs. 225-8, while the amount due on account of unpaid bills which had actually been received by the Commissioners aggregated Rs. 24,368. It was also estimated that in addition to the bills that had been received, there were further outstanding liabilities amounting to an additional Rs. 5,000, so that in all the municipality was in debt to the extent of approximately Rs. 30,000. Well, that was the position, when on the 6th September last the Government Inspector of Water-works made a further inspection, and sent in a report to Government which showed that all previous warnings had been quite useless and that no notice whatever had been taken of the repeated and accumulated warnings of 3½ years and it was under these circumstances that on the 8th September I requested the Maharajadhiraja Bahadur of Burdwan—as I was very anxious, if possible, that the municipality should get one further chance—to invite the Chairman and Vice-Chairman of the municipality to meet him and to inform them that greatly though we should deplore the necessity of taking over the administration ourselves, yet in view of all the past history which lay before us, we should feel compelled to do so unless the Municipal Commissioners found themselves in a position to comply with certain requests which we made to them by a certain date. Well, that in brief is the position so far as Hooghly-Chinsurah is concerned.

"I noticed that the Hon'ble Member who moved this motion described the action of Government yesterday as punitive action. He spoke perpetually of the punishment which Government were inflicting not only upon the Commissioners but upon the ratepayers and the public. If I may say so, that illustrates the extraordinary difference in the point of view from which the Hon'ble Member approaches this matter, and from which I do. I never regarded this action as a punishment inflicted by Government like a school master inflicting a punishment upon a recalcitrant school boy. Nothing of the sort. I realized that since repeated warnings had failed to effect an improvement and since as a result of continued maladministration of their affairs the Commissioners found themselves on the verge of bankruptcy, the best service which Government could render to the municipality and to the ratepayers was to take over, for such period only as to enable them to pull the affairs of the municipality together, the administration. I do not regard it as a punishment. I regard it as a service rendered by Government to the public.

"The Hon'ble Babu Ambika Charan Mazumdar said yesterday that he wondered very much what improvement had been effected by the Government since they had taken charge. Well, the Government have had charge of this municipality's affairs for a very short time, but I am happy to say, according to the latest report which has reached me, that a very gratifying measure of success has already rewarded the efforts of the District Magistrate in putting the affairs of the municipality into shape. I would like to take this opportunity of publicly expressing my appreciation of the whole-hearted way in which the District Magistrate, Mr. Mookerjee, who has just left Hooghly and who is now succeeded by another very able officer, Mr. Moberley, threw himself into the task, the very thankless task of pulling the affairs of the municipality together. Let me tell you briefly what the report says: It says that when he took over the administration of the

municipality he found Rs. 32,000 due to the Board from the ratepayers. Some thousands of this sum had been outstanding for various periods running back as far as 1909-10, which again disproves the suggestion of the Hon'ble Member that we have been acting in haste. Between Rs. 10,000 and Rs. 11,000, over one-third of the total sum outstanding, has already been collected by the Magistrate. In view of the fact that many of these sums have been outstanding for periods of 4, 6, 7 and 8 years and many of them must necessarily be wholly irrecoverable, I think the Magistrate must be congratulated upon the fact that within this very short period of a few weeks he has already been successful in collecting one-third of the total outstanding liabilities of the ratepayers. Then again, so far as the water-works are concerned, since the Commissioners were superseded, about 280 tons of coal have already been secured for the water-works and there is now already more than four months' supply in stock. In view of that I find it a little bit difficult to understand the plea of the Municipal Commissioners that they were unable to obtain coal. When the Magistrate took over charge, the cash balance was Rs. 850 only. The collections which he has made and which I have already spoken of, have enabled him to pay off nearly Rs. 10,600 worth of liabilities, while he has a cash balance in hand of some Rs. 2,300. Nevertheless there are still very considerable outstanding liabilities which it will be essential for us to endeavour to discharge during the coming months, and I fear, therefore, that it may be some time before it will be possible for us to place the affairs of the municipality upon a completely firm foundation once more. We shall do our best.

"Well, then, so far as the municipality of Burdwan is concerned, if I may say so, there seemed to me to be an extraordinary unanimity of opinion amongst Hon'ble Members that the Municipal Commissioners in this case were unworthy of the trust imposed in them. I do not know whether it was the intention of the Hon'ble Member who moved this motion to in any way defend them; I do not think it was. If it was his intention, then he has succeeded only in damning them with faint praise. As in the case of the Hooghly Commissioners, warning after warning has been unsuccessful in bringing about any improvement in their conduct of affairs. When I had occasion personally about a year ago to look into the affairs of this municipality I was so impressed with the astonishing laxity of control over the whole administration that I felt called upon to go the length of issuing a personal warning to them. Speaking in Burdwan on the 9th January, I felt called upon to use these words: After I had referred to the outstanding liabilities and the unfortunate financial position of the municipality, I said:—'On enquiry as to the cause of this unfortunate state of affairs, I am told that the proper procedure of issuing warrants each quarter has not been followed by you, and that last year very few warrants were issued after the first quarter. From this fact, and from other reports which I have received, I am forced to the conclusion that the affairs of the municipality have not been conducted with the efficiency which the ratepayers are entitled to expect. Where I have found so many grounds for praise'—I would mention here that the grounds which I found for praise were in connection with the administration of the District Board not the Municipal Board—'it is distasteful to me to have to impute blame and I content myself therefore with expressing an earnest hope that future reports of the working of your municipality will be of a more reassuring nature than those which I have received hitherto.' Unfortunately my warning passed unheeded, and on the 10th August last the Commissioner of the Burdwan Division reported as follows:—'The collection of taxes in the year 1917-18 were worse than in any previous year. The uncollected balances at the close of the year amounted to Rs. 38,855 or more than a third of the whole current demand.' Later on in the same report, he says 'the serious irregularities and embezzlements which had been disclosed are due to the failure of the Chairman, and Vice-Chairman to exercise any supervision over the municipal staff.' May I here enter a respectful protest against what appeared to me to be a certain indifference with which the Hon'ble Member who moved this motion spoke of

irregularities in this connection? He said that in fact they were the ordinary things which we must expect not only in the case of municipalities and District Boards, but in Government Departments, and in fact, in every department of public life. Well, I very strongly dissent from an attitude of this kind; we have got to do everything that lies in our power to show our horror and detestation and our astonishment at the occurrence of irregularities of this kind; and I would respectfully suggest to the Hon'ble Member, though I am sure he did not mean to create this impression, that it will not help us to spread that attitude throughout the whole range of our public bodies if they read in the reports of the debates held in this Council speeches in which these matters are spoken of as no doubt unfortunate, but still as matters which are more or less as inevitable as the rising of the sun. What we want to do is to do away with that attitude and that idea. What we want to create in the public life in this Presidency is the feeling that these things must not occur, and if they do occur, they must be stamped out with all the vigour which it is possible to apply to them. So far as this particular aspect of the case is concerned in connection with the Burdwan Municipality, I have been so impressed with the seriousness of it, that I consider it necessary to order an enquiry into the matter; a Committee is about to be appointed which will consist of an experienced accounts officer deputed by the Accountant-General and an experienced Magistrate to enquire into and investigate these matters, and pending a report of that Committee, I do not propose to dwell at any great length upon that aspect of the maladministration which has taken place in Burdwan.

"Now, I have explained frankly and I hope clearly, the reason why Government have taken this action. Far from our regarding our action as likely to discredit the capacity of the people for managing their own affairs, it seems to us that when we did find obvious and glaring cases of maladministration covering a long period of time, it would be to the advantage of the cause of self-government if we showed that we should not overlook matters of this kind. And in conclusion I would venture respectfully to make this suggestion to the Hon'ble Members of this Council. No one is more zealous for the honour and reputation of this Council than I am. Let Hon'ble Members realise that when they are asked to cast their vote upon a question of this kind, they are being asked to exercise a grave responsibility. Let every Hon'ble Member consider for himself what will be the effect of the vote which he casts. Is it not obvious in view of the record of these two municipalities that every vote cast for this resolution will be interpreted by those who are looking eagerly at the present time at the working of the Legislative Councils in this country as a vote given in condonation of inefficient public administration. It can be regarded as nothing else by an impartial observer. I can sympathise with Hon'ble Members when they have to come to a decision as to how they are to cast their vote. I know the sympathy which they must feel with the Municipal Commissioners who have for a short time only been relieved of their responsibilities, but they must remember that those who are looking on, who are assessing and estimating the capacity of the members of the Councils in this country to discharge onerous and wider duties will not be impressed by any vote which is given upon sentimental grounds. Hon'ble Members in this Council have the opportunity now to show that they are capable of rising above personal feelings and above sentiment; they have the opportunity now of showing that they are capable of casting their vote not in accordance with personal feelings or sentiment, but in accordance with reason and in the best interests of the public. Let me impress upon them once more, and these shall be my last words, that these supersessions are not punishments. This action has been taken only under stress of what appeared to the Government to be grave necessity. The primary object of the action is so to pull the affairs of these mismanaged municipalities together that when the time comes for the ratepayers to elect new representatives, these representatives will not be hampered by finding themselves placed in charge of bankrupt concerns, but will be given a fair and fresh start which will enable them to display a proof of their public spirit and their capacity adequately to manage their own affairs."

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, after the speech delivered by Your Excellency it will be rather bold on my part to press this resolution before this Council, but I want to offer a word of explanation.

"In the first place, with reference to the Burdwan Municipality, I began by saying yesterday, and I repeat it to-day, that I did not stand here as an apologist for the defunct Municipal Commissioners. I venture to say that I do not even attempt to give them a whitewash. I told this Council that I shared the opinion of the Government that they had failed in their duty. It was, my Lord, after the 9th of January last—if I am correct, only in the third week of January—that the ratepayers formed that association and in a notice which they issued calling a public meeting of the ratepayers, they said that the meeting was called to form an association as a check upon the neglect of duty of the Municipal Commissioners.

"My object in introducing this debate in this Council was not to whitewash the Municipal Commissioners of Burdwan, but to inform Your Excellency's Government in this Council that the ratepayers were quite alive to the fact that their representatives in the Corporation had failed to do their duty, and that they were very anxious to pass a judgment on their conduct, and in the course of this speech, if I referred to some of the good works done by the Commissioners, it was to show that I did not come here simply to abuse them or run them down. I am glad to know, my Lord, that a Committee is to be appointed to look into the whole matter, and that will of course clear up many things in connection with the municipal affairs of Burdwan that want clearing up.

"There was one remark made by the Hon'ble Mr. O'Malley yesterday, that a fresh election was not allowed because it was apprehended that it would not be a straight election. I know more than anybody else that in the election three years ago there were some grave irregularities. I know that some of my friends submitted a petition to the District Magistrate, Mr. Marr, who was then in charge of the district, stating the irregularities and he sympathetically considered the question, but said that under the Municipal Act he had no authority to interfere. I then brought his written order to the Hon'ble Nawab Syed Sir Shamsul Huda ; he also said that the Municipal Act was defective, and remarked that the next time the Act was under amendment, this matter would be taken into consideration. In Your Excellency's speech to which we have just listened, you have said that for three years they have been guilty of these lapses. I admit that it has been so, but during these three years, the ratepayers had no opportunity of judging their conduct or passing their verdict on their work because when once elected the ratepayers cannot unseat them, and it is only after three years that they can pass their judgment and if I asked for the withdrawal of these orders, I did so because I wanted the ratepayers to express their views on the conduct of the Municipal Commissioners and the executive officers of the now defunct Burdwan Municipality.

"My Lord, the Commissioners complain and in speaking on this resolution I feel it my duty to explain that in the case of Burdwan, of course, warnings were given but no explanation was asked for; as in the case of Hooghly they were not told to do certain things within a certain period on the threat of supersession. However, as regards the supply of coal in the case of Hooghly, much has been said and I do not like to dilate upon this matter further. Besides, I have not much personal experience of this matter beyond those facts which I have placed before this Council.

"As regards the ratepayers, I can only say that this supersession of the Hooghly-Chinsurah Municipality has caused great excitement among the ratepayers of Hooghly. They held a public meeting and expressed themselves in

unequivocal terms and the meeting was presided over by a gentleman who never interested himself with public affairs or at any rate who never appeared on the public platform. He himself remarked that it was the gravity of the situation and the necessity of the case that made him come out of his seclusion and preside over a public meeting; and that public meeting expressed its appreciation of the services rendered by the late Chairman of the Hooghly-Chinsurah Municipality. I am also gratified to find that Your Excellency has appreciated the services which have been rendered by the late Chairman. I still express the hope that the Government will reconsider the resolutions that have been passed, and that a smaller period of suspension will be fixed and that the ratepayers of Burdwan and Hooghly will be asked to elect their representatives much sooner than the period fixed by the Government resolutions.

"My Lord, in view of the grave importance of the questions involved and of the fact that my non-official colleagues have taken a lively interest in this matter, I would ask Your Excellency's permission to allow me a little more time—say five minutes—to consult my non-official friends as to whether I should withdraw or press the resolution."

The PRESIDENT said :—

"I am afraid that it would be very irregular to adjourn the debate for a purpose of his kind. The Hon'ble Member has had enough time—the whole of Tuesday and this morning—to consult his friends, and I am sorry that I cannot allow an adjournment for him to consider the matter further".

The Hon'ble MAULVI ABUL KASEM said :—

"May I have Your Excellency's permission to put the resolution in two parts before this Council?"

The PRESIDENT said :—

"I am prepared to meet the Hon'ble Member in his desire that the motion be put in two halves. I will put the motion regarding Burdwan first."

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, in view of the fact that a committee is going to be appointed I beg to withdraw the resolution regarding Burdwan."

The following portion of the resolution was then, by leave of the President, withdrawn, namely :—

"This Council recommends to the Governor in Council that the orders of supersession of the municipality of Burdwan be reconsidered and withdrawn."

The following portion of the resolution was then put to the vote, namely:—

"This Council recommends to the Governor in Council that the orders of supersession of the Municipality of Hooghly-Chinsurah be reconsidered and withdrawn."

A division was then taken with the following result :—

Ayes—19.	*Noes—20.*
The Hon'ble Mr. Aminur Rahman.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Babu Siv Narayan Mukharji.	" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Kumar Shib Shekhareswar Ray.	" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Mr. Arun Chandra Singha.	" " Mr. C. J. Stevenson-Moore, C.V.O.
" " Sir Deba Prasad Sarbadhikari, KT., C.I.E.	" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Rai Debender Chunder Ghose Bahadur.	" " Mr. J. Donald, C.I.E.
" " Rai Radha Charan Pal Bahadur.	" " Mr. L. S. S. O'Malley.
" " Maulvi Abul Kasem.	" " Mr. H. P. Duval.
" " Maulvi A. K. Fazl-ul-Haq.	" " Mr. M. C. McAlpin.
" " Khan Sahib Aman Ali.	" " Mr. F. A. A. Cowley.
" " Babu Bhabendra Chandra Ray.	" " Mr. W. C. Wordsworth.
" " Mr. Altaf Ali.	" " Mr. C. F. Payne.
" " Rai Sri Nath Ray Bahadur.	" " Mr. S. G. Hart.
" " Rai Mahendra Chandra Mitra Bahadur.	" " Rai Priya Nath Mukharji Bahadur, I.S.O.
" " Babu Surendra Nath Ray.	" " Sir Rajendra Nath Mukharji, K.C.I.E.
" " Babu Mahendra Nath Ray, C.I.E.	" " Mr. J. Mackenzie, O.B.E.
" " Mr. K. B. Dutt.	" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Babu Kishori Mohan Chaudhuri.	" " Mr. J. W. Hely-Hutchinson.
" " Babu Ambika Charan Mazumdar.	" " Mr. F. W. Carter, C.I.E., C.B.E.
	" " Mr. W. E. Crum, O.B.E.

The following members abstained from voting :—

The Hon'ble Mr. Provash Chunder Mitter.

" " Dr. Abdulla-al-Mamun Suhrawardy.

The following members were absent :—

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

" " Mr. C. H. Bompas, C.S.I.

" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.

" " Sir Nilratan Sarkar, KT.

" " Raja Hrishikesh Laha, C.I.E.

" " Babu Brojendra Kishor Ray Chaudhuri.

" " Mr. E. B. Eden.

" " Mr. G. A. Bayley.

" " Mr. H. R. A. Irwin, C.I.E.

" " Mr. M. Ashraf Ali Khan Chaudhuri.

" " Babu Akhil Chandra Datta.

The Ayes being 19 and the Noes 20 the resolution was lost.

The PRESIDENT said :—

"I may perhaps add a word in further explanation of the position As I said in the course of my remarks, our object is to give the new Municipal Boards when they come into existence a clean sheet to start with. That being so, if I find from the reports which I receive that the Government officers have been enabled to pull things round in a shorter period than one year, then I should be prepared to consider the question of ordering election sooner. (Applause.) But from the present reports that I have received I cannot say that I feel very sanguine that it will be possible to do that in less than one year."

LIST OF BUSINESS—ITEM No. 19.

The following resolution which stood in the name of the Hon'ble Maulvi Abul Kasem, was, by leave of the President, withdrawn:—

This Council recommends to the Governor in Council that the members of the Provincial Executive Service acting as personal assistants to the Commissioners of Divisions and to the Inspector-General of Registration be granted a special allowance.

LIST OF BUSINESS—ITEM No. 20.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY moved the following resolution :—

This Council recommends to the Governor in Council that an inquiry be made by the Government into the nature and extent of the alleged prevalence of corrupt practices amongst the ministerial staff of the mufassal courts, and that necessary action be taken to improve the existing state of affairs.

He said :—

"My Lord, the Secretary to the Council has put in the word "alleged" in my resolution. English is not my mother tongue and I speak subject to correction, that this word carries with it a challenge that my statement must be substantiated. I did not think that the fact of the existence of corrupt practices amongst the ministerial staff required any proof. As it is, it is a self-evident truth and nothing but the truth. However, if the introduction of the word is meant as a challenge, let me quote a few extracts from some of the many letters which I have received from all parts of Bengal, written by people most competent to express an opinion on the subject :—

British Indian Association :—

'Fully sympathise with your object which is indeed a laudable one.'

East Bengal Landholder's Association :—

'The magnitude and extent of hardships to which the litigant public are often subjected, baffle all description. The committee lend their whole-hearted support to your proposal which should engage the immediate serious attention of the Government.'

North Bengal Zamindars' Association :—

'A very nauseating, not to say dismal, state of things will present itself before the public eye.'

Dinajpur Landholders' Association :—

'The association fully supports your resolution.'

Murshidabad Association :—

'Your resolution has full sympathy and support of the Association.'

Anjuman-i-Islamia :—

'This Anjuman has full sympathy with the object of your resolution. The sufferings of the public are inestimable.'

Provincial Muhammadan Association :—

'Strongly supports the resolution.'

The Hon'ble Maharaja Bahadur of Cossimbazar, Member of the Imperial Legislative Council :—

'Something should be done to put them down as soon as possible.'

Burdwan Bar Association :—

'The evil has taken possession of all the districts of Bengal, and it is now high time that rigorous efforts should be made to root it out.'

Malda Bar Association :—

'The prevalence of corrupt practices amongst the ministerial staff has become notoriously prejudicial to the parties in civil and criminal courts and seriously affects the public. Steps should be taken to effectively check it.'

Berhampore Bar Association :—

"Inquiry should be made by the Government into the nature and extent of the prevalence of corrupt practices among the ministerial staff."

Pabna Bar Association :—

'Corrupt practices are prevalent amongst the ministerial staff. . . . The Association is willing to make suggestions if the Government be pleased to make an inquiry and take steps to remedy the evil.'

Noakhali Bar Association :—

'Emphatically denounce the corrupt practices that obtain amongst the ministerial staff in mufassal courts.'

Khulna Bar Association :—

'Relieve the poor mufassal litigants from the widespread malpractices of the generality of the ministerial staff of mufassal courts.'

Tippera Bar Association :—

'Court officers take illegal gratifications from litigants. . . . . We approve of your moving the resolution.'

Bankura Bar Association :—

'It is needless to say that the practices are rampant.'

Fatikchari Bar Association (*Chittagong*) :—

'We cannot help blushing with shame and utter disgust when we see the atmosphere so surcharged with the bacilli of this demoralising malady. . . . . . if evidence of general repute be of any avail as in cases under sections 109 and 110 of Code of Criminal Procedure . . . . . 90 per cent. of the ministerial staff will be lodged within the high walls of the jails.'

Keshoregunj Bar Association (*Mymensingh*) :—

'It is a patent fact that, with only microscopic exceptions, corrupt practices have for a long time been prevailing amongst the ministerial staff . . . . Every effort should be made as early as possible to remove them, as they are increasing daily in undue proportions and assuming gigantic shape.'

Jhenida Bar Association (*Jessore*) :—

'Strongly protests against the prevalence of corrupt practices amongst the ministerial staff . . . . . and urges that immediate and effective steps should be taken by the Government for their suppression.'

Bolepur Bar Association (*Birbhum*) :—

'There is no doubt that the members of the ministerial staff are corrupt to the backbone and their conscience has become entirely callous.'

Kasba Bar Association (*Tippera*) :—

'The evil practice is of such long standing and magnitude that it is strange that it has escaped the notice of the Government.'

Satkania Bar Association (*Chittagong*) :—

'Corrupt practices amongst the ministerial staff have really become a serious menace to the litigants. . . . an effective redress is essentially necessary.'

Feni Bar Association (*Noakhali*) :—

'The corruptions of the ministerial staff must be put a stop to by all means.'

Basirhat Bar Association (*24-Parganas*) :—

'We are fully aware of the malpractices which have been going on for a long time . . . . and view with alarm the extent to which these corrupt practices have spread.'

Kurigram Bar Association (*Rangpur*) :—

'If the Government remain indifferent in the matter, corrupt practices will be gradually increased and the litigant public would be put to much inconvenience and difficulty.'

Nator Bar Association (*Rajshahi*) :—

'We are smarting under the grievances with no prospect of any redress. . . . Things are going from bad to worse.'

"To this I might add my personal testimony. My Lord, fresh from the University, I was sent direct to my father's zamindari, and I carried with me all the high ideals of a young graduate and a sportsman. I remember very well that within a few days of my arrival there I was asked to pass a pleader's bill in which we had submitted to the grossest possible illegal exactions of court officials, beginning from the Sheristadar down to the petty peons. Exactions were made right and left, for filing the plaint, for entering hajira of witnesses, for serving summonses, for drawing up a decree, for returning the papers filed, for cashing the cheque, and I do not know for what not. I can hardly tell you, Sir, what my feelings then were. I could not believe that such things were possible in a British Court of Justice. But our old Dewan pointed out that there was no other alternative but to submit to these extortions. I paid no heed to his words and stopped all such payments. But the result was disastrous. The Dewan was right, and I was overruled by superior authority. Ever after this, through all these years, I have tried my best, in all possible ways, to oppose these exactions, but I have been very seldom successful.

"I hope that these statements would satisfy even the most exacting Judge.

"I do not know whether the Member in charge proposes to argue the point by quoting statistics of formal complaints and actual convictions. I took some pains to get at these figures, but I find that their number is not very high. I do not know whether it is intended to make capital out of this. But I submit that these statistics do not prove anything in matters like these. For obvious reasons, when a man submits to the illegal demands of the court people, he dare not make a formal complaint. Law does not spare the man who pays illegal gratifications. Again in cases where no such gratification is actually paid, no strong case lies against the person who demands a gratification and, moreover, it is very difficult to prove such a mere demand. But let me say without any fear of contradiction that many such cases of unfair demands and illegal extortions are informally brought to the notice of the presiding officers who generally finish

them off with a verbal warning to the ministerial officer concerned, a warning which enters through his one ear to get out of the other then and there.. My Lord, I have been told by some officials that the best way to cope with the evil would be not to give any illegal gratifications at all. They, in fact, blame us more than their ministerial staff for the prevalence of corrupt practices amongst the latter. To cherish a good opinion of one's own people is a well-known human failing and I do not blame the officials for their attitude. But I must say that their advice regarding withholding illegal payments has no meaning in practice. We would call a man either a fool or eccentric if he were to allow his case, involving important rights and interests, to be lost simply on account of his conscientious objections to submit to illegal but inevitable exactions of the creatures of the court.

"To try to improve the morals of the ministerial staff of mufassal courts, who are corrupt to the backbone, by asking the litigants not to pay them anything even at the risk of incurring great personal loss is, I should say, the Chinese way of facing a difficulty. The ways of the English are quite different. To be afraid of taking up a good work because it is difficult, is alien to British instincts. I know the work before us is very difficult but I also know that I am appealing to the British Government for redress. I earnestly hope that no attempt will be made by the member in charge to oppose this motion but a helping hand would be stretched out to us to tackle the question in true British spirit. I do not say that matters would be set right at once, but much good would result by an inquiry into the nature and extent of the prevalence of corrupt practices. It would undoubtedly help us to devise means for securing an effective check to these pernicious practices. I consider an official inquiry essential, as it is impossible for a layman to suggest the right course of action. So far as my experience goes, I find that a certain procedure followed in courts greatly help the ministerial staff to carry on their trade of illegal exactions with impunity. To give one example, I might say that all plaints are filed before the sheristadar who without assigning any reason for it in writing is authorised not to admit any plaint which, in his opinion, does not conform to legal technicalities. Under cover of this extraordinary power, he can refuse to admit any plaint for which a filing fee is not paid into his pocket. Now if it be laid down that any refusal to admit a plaint should be reported to the presiding officer and the orders should be passed under his signature, I think an effective check could be put to exactions of this nature. I could give many instances of this kind, but the best course would be to institute an official inquiry into the matter, because official knowledge and experience would be extremely valuable for the purpose of making practical suggestions in such matters. My Lord, I have left to the Government to decide what should be the mode of the inquiry. I would, however, suggest that a special officer of some experience might be deputed to make a sifting inquiry. Much, of course, will depend on the selection of the right man. He must be sympathetic and painstaking and imbued with a desire to get at the root of the matter solely with a view to bring about an improvement in the existing state of affairs. The nature of the inquiry ought to be informal. Witnesses should not be scared away by threats of prosecution for paying illegal gratifications or the like. I do not want him to report against individual members of the staff; this would complicate matters. What I want is that he should make such feasible suggestions as would enable the Government to effect a change for the better at once without incurring heavy expenditure for the purpose. In this connection I might say that some people are of opinion that the pay of the ministerial staff should be increased. But I do not agree with them. Clerks in the Postal and Registration Departments do as much responsible work and are recurited from the same class of people, with same qualifications as the clerks in the mufassal courts, and though they do not get higher pay, yet the Postal Department is one of the best managed and the least corrupt of the Government Departments and the Registration Department, too, is comparatively pure. The real thing is that it is the system that is rotten in our mufassal courts and this requires a thorough overhauling.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

"My Lord, I feel a little delicacy in having to speak something against this motion. The resolution before us may be called a 'purity-resolution', and anyone having regard to purity and sanctity would naturally feel some reluctance in standing against a resolution of this kind. But I may be permitted to say to the hon'ble mover of this resolution that anyone who is older than 32 years of age has got a different experience of our courts from what has been given expression to by my hon'ble friend. It seems to be undeniable that the *morale* of our ministerial services has considerably improved during the last 30 years. My friend has given this Council a harrowing description supplied by a member of Bar Associations in different parts of Bengal which all go to show that there is prevalence of corruption and corrupt practices.

"My Lord, I have been practising in one of the heaviest mufassal bars for the last 45 years, and I think I owe it to myself to bear testimony to the fact that what I have seen of them when I entered the profession and what I now see of them is perfectly different ; they are now considerably improved, and my hon'ble friend's remark seems to be rather sweeping ; he says that this corrupt practice prevails from the highest to the lowest—from the Sheristadar down to the lowest ministerial officer. But I have experience of a man who drawing the poor pay of a muharrir of a record-room in a collectorate on Rs. 30 a month has never touched a single pice by way of illegal gratification, and this is not a solitary instance ; many of the ministerial staff at the present day are above reproach ; they live from hand to mouth but still they do not yield to temptation. I do not deny that there are some black sheep even now and they ought to be eradicated. But, My Lord, to ask for an inquiry in a matter of this description would be something like mounting a long-range gun to kill a swarm of gnats. They are ill-paid and they live from hand to mouth. There are corruptions and malpractices even in higher spheres of life, and if we have to begin the operation we have to begin from above, and not from below. I do not for one moment contend that they should not be above reproach but to make them above reproach you ought to make their salaries sufficient to enable them not to yield to temptation. I would have thought that my friend would have brought forward a resolution to increase the pay of ministerial officers, but of course he has told us that he is not in favour of that and he wants that these people might be even starved and still expected to create a Utopia for us. I do not consider that this resolution is at all desirable ; no doubt, there are some officers who invariably take illegal gratifications although they are not in straitened circumstances, but still I do not think that their number is so large as to justify an inquiry. There is a standing order of Government that heads of departments ought to see that there are no malpractices in their courts and offices. I know of some officers and some Judges and Collectors who do take care to see whether there is this malpractice or not. A reminder given to them now and then is quite enough. A lengthy process of inquiry into a matter like this seems to me to be quite out of proportion to the evil complained of."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I do not oppose the motion altogether as I see that the Hon'ble Member has been approached by many Bar Associations and other respectable bodies, but at the same time I sympathise with the ministerial staff as regards their very inadequate pay. If anything is to be done—and something should be done—their position should be considered. It should also be considered whether their pay is sufficient to maintain themselves and their families ; if it is not sufficient then I think something should be done to raise their pay. They have hardly any time to supplement their income by doing extra work. I do not oppose the motion, but what I want is that something should be done for these ministerial officers. If an inquiry is going to be held, I hope that their position will also be taken into consideration by the Committee."

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR said :—

"My Lord, when I read the notice of motion of the Hon'ble Kumar Shib Shekareswar Ray it reminded me of the terms of the Government resolution relating to the formation of the late Rowlatt Committee. Most of us knew of the existence of seditious conspiracy, but the Government chose to appoint a Committee to inquire as to whether such a thing, whether such a seditious conspiracy, existed or not. Well, in that view, the terms of the present resolution of the Hon'ble Member may be supported, *i. e.*, if you are going to take measures to check malpractices amongst the ministerial staff of the mufassal courts then you must commence with an inquiry. I do not think that the inquiry will do much good because nobody will come forward to tell the Committee that he has been receiving bribes or giving bribes. Therefore the inquiry will be on the reports of people who have the impression that such malpractices obtain amongst the ministerial staff of the mufassal courts. That is the only way the inquiry can be conducted. My Lord, I was once connected with a court not far from Government House for a pretty long time. I have lost touch with them for about 10 years and, therefore, before making up my mind to take any part in this discussion on this resolution, I thought it better to obtain up-to-date information about the working of the ministerial staff of these courts. After inquiry I was confirmed in the view which I entertained at the time, that at the present time the heads of departments are free from corruption. I suppose that is also the case in the distant mufassal courts. As regards the staff which come in the lower ranks there is corruption, and that corruption is a thing which can be checked.

"My hon'ble friend on my right has *sotto voce* referred to the Calcutta Small Cause Court. In my opinion the resolution does not cover that court, and I suppose the hon'ble mover is not aware of the state of things in the Calcutta Small Cause Court. There also is corruption amongst the lower ranks. The law is clear in these cases, it requires no amendment. You can punish the giver and the taker of a bribe, but the difficulty is that these things are done in secret and it is only the giver and the taker who can be witnesses, and as they would be liable to punishment under the law neither of them would be keen in giving evidence. If the law requires amendment it would be in the direction of doing something to take away the penalty from one of the parties, but upon that point I cannot express any positive opinion at the present moment. The present attitude of the presiding officers of these courts, I speak subject to correction, is that unless a thing comes directly to their knowledge they seldom go out of their way to take special efforts to check bribery. When a case of bribery comes to their knowledge, if there is insufficient evidence, they do their duty by dismissing the man whom they suspect, but this has not been a great deterrent. Unless you employ special detective officers of the police you cannot ferret out these cases of bribery in the law courts. The remedy lies not simply in punishing the wicked, not simply in punishing the corrupt ministerial officers, or the process-server, who is a great culprit. They have their excuses. The process-server has been only receiving Rs. 6 a month in pre-war times, and during the period of the war he has been paid Rs. 7 or Rs. 7-8, and this rate has been temporarily increased to Rs. 10 now. Committees have been formed who have recommended the increase in the salaries of ministerial officers ; the last Committee sat a few years ago with the Hon'ble Justice Holmwood as its president. This Committee did not suggest any real increase of salaries, but revised the rates of increment ; there has been no substantial increase, and unless you increase salaries in accordance with the responsibility you place on these people, this state of things will continue. I do not agree with the Hon'ble Member who refers to the Postal Department, a most popular department, as an example. In this country there is no corruption in this department, nor in the Registration Department. But their responsibilities are not the same. That accounts for the absence of corruption in these departments and the prevalence of corruption in the law courts. You cannot exactly argue from the absence of corruption in the Postal Department, where the postal peon

can tamper with letters without delivering them to the addressee, as the system of supervision in the Postal Department is such that you can easily detect and dismiss the peon at once. That is not the case in the law courts and I would, therefore, suggest that you make an inquiry—it is high time that an inquiry should be made, and something done to check malpractices. Salaries in the lower ranks should also be revised and raised according to the responsibility given to these men and the powers vested in them. The worst offender is the process-server. Something should be done in the same way as has been done in the Police Department. It is a scandal that a suitor has to submit to being fleeced by these people attached to the lower courts before he can get some sort of justice. Something has been said, and I regret that it has been so said by the Hon'ble Babu Ambika Charan Mazumdar, that corruption prevails in higher posts and higher quarters, and that these humble people with small salaries should not be judged too harshly. I am very sorry that the Hon'ble Babu Ambika Charan Mazumdar has chosen to give expression to such remarks. I am a student of these things, and I certainly think that the higher services—I mean the Subordinate Judicial and Subordinate Executive as also the Civil Service—are free from corruption in this country."

The Hon'ble Babu Ambika Charan Mazumdar interrupting said :—"The Hon'ble Member is not correct in his statement. I never mentioned the Civil Service or the Judicial Service at all."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—"I am glad to hear that. With these observations I do support the motion of my friend the Hon'ble Kumar Shib Shekhareswar Ray."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I am long past the age of 32, and have yet to wait a long time before I can reach the venerable age of my friend the Hon'ble Babu Ambika Charan Mazumdar and, therefore, I am still in a position to support the motion of my friend the Hon'ble Kumar Shib Shekhareswar Ray. I support this motion, My Lord, because it is an admitted fact, although positive proof cannot be easily given at a moment's notice, that there is a general complaint throughout the Presidency that the exaction in law courts has become intolerable. My Lord, I do not know whether the scandal was greater some 20 or 25 years before, and whether it is less now, but I don't think there should be any opposition to an inquiry. I am sorry this motion has been confined only to mufassal courts. I am not sure whether I shall be in order and, if Your Excellency will permit me to change the word 'mufassal' into 'law courts', it may extend the scope of the inquiry. If Government accept this motion it may embrace both Calcutta and mufassal courts."

The PRESIDENT said :—

"The Hon'ble Member must give notice of amendments when he wishes to move them."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"I was doubtful, My Lord, whether this would be permitted, and I craved Your Excellency's permission; if that permission were given the inquiry would extend to all courts, and not only to courts in the mufassal. I admit frankly that there are a large number of members of the ministerial staff who are honourable men, whether highly paid or not, and who are free from the corrupt practices which have been referred to. But, My Lord, from my experience of law courts, I consider that an inquiry is necessary. My Lord, as regards departmental heads, I have nothing to say. They are all honourable men and they, I believe, try their best to put down this evil, but I am afraid that, nothwithstanding their desire to do so, and the existence of a standing Government order to which the Hon'ble Babu Ambika Charan Mazumdar has referred, no effective check has been placed on these exactions.

Then, My Lord, my hon'ble friend to my [illegible] the Hon'ble Rai Debender Chunder Ghose Bahadur, has mention [illegible] process-servers on a salary of Rs. 6 a month. It is true that they [illegible] men, but there are other ministerial officers who are also ill-p[illegible] a thorough inquiry is made it will be found that many of them both in [illegible] and the mufassal have fallen victims to temptation. Of course, there are ministerial officers who are above temptation. However, I think that something should be done to put an effective check to the evil practice referred to.

"Then, as regards the increase of the pay of these officers, I am sorry I cannot agree with the Hon'ble Mover, nor do I think that he can expect the Council to share his views, that the salary of these officers need not be increased. I do think that the salary of these ministerial officers requires improvement; they have got to live, and many of them do not earn a living wage and, therefore, they easily fall victims to temptation. If an inquiry is taken up, the Government will also take up the question of the revision of the salary of these officers. I have nothing more to say, but I hope the Government would make an inquiry into the matter and take necessary steps to put down the evil."

The Hon'ble MR. DUVAL said :—

"I fear the taking of illegal exactions in this country is undoubtedly one of very long standing, but it is by no means confined to some Government clerks and servants. To do what they can to prevent such exactions in mufassal offices the policy of Government has been to try and pay its officers a fair wage, and not to entertain unpaid agency. That system of unpaid agency has been abolished in recent years, and so has the system which was prevalent 20 years ago of having, in addition to unpaid assistants, a large number of officers who used to be paid by commission fees. I fear, however, that outside Government offices it is not the invariable rule to pay servants. In civil courts many pleaders employ clerks whom they do not pay, but leave it to the litigant to pay them something when they employ them, nor do I think that landlords pay their servants highly enough to prevent them seeking to add to their pay by petty exactions.

"Government believes that in its officers the evil is decreasing; but it can never wholly disappear except with the help of public opinion.

"As to the question of an inquiry, I would point out that full inquiries into the salaries of ministerial officers were made about 10 years ago, and the pay of lower grade clerks increased. Only a few months ago process peons too had their pay increased. When cases of such exactions come to the notice of District Officers and Judges the matter is always investigated, and the offender severely dealt with, if found guilty. Unfortunately, however, many of the charges made come to the District Officers anonymously in the shape of letters which cannot be investigated, and there is often difficulty in getting persons to come forward to prove allegations made. Government servants cannot any more be convicted on pure hearsay or suspicion. Government is, therefore, not prepared to hold a general inquiry at the present, but must continue to depend on its District Officers and Judges to deal with each charge on its merits as it is made."

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said :—

My Lord, I admit that I am only 32 years of age, perhaps the youngest Member of this Council, but when the Hon'ble Babu Ambika Charan Mazumdar says that my youth stands in the way of properly appreciating the real state of affairs, My Lord, I certainly differ from him. I am rather of opinion that age brings with it a tolerant attitude because of its incapacity, owing to various causes, to move with the times. My Lord, a Bengali poet has sung about the crowning glory of youth "[illegible]" and I am a firm believer in its truth: it is youth which has won the war.

Even some Bar Associations of Faridpur district from which my friend hails have written to me about the prevalence of these practices. I do not admit that matters have improved. I tell the House from my personal knowledge that the filing fee in some of the courts has been doubled owing to the war. My Lord, I do not make the charge against all officers; there are many honourable exceptions. As for asking the presiding officers to keep an eye on the conduct of their ministerial staff, My Lord, I beg to point out that they are so overworked that it is not possible for them to keep an efficient check on their clerks. I personally know many officials who try hard to keep their courts pure, but they are helpless on account of some defects in the procedure. I am sure the Hon'ble Mr. Duval will bear me out, he has made himself famous on account of the concern he has shown for the morals of his court officials. Unless an inquiry is made, how is the Government to know what actions are necessary?"

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, although the ground on behalf of Government has been covered by what the hon'ble Mr. Duval has said, yet in the regrettable absence of my Hon'ble colleague the Hon'ble Maharajadhiraja Bahadur of Burdwan, to whom the reply to this resolution would normally have fallen I might perhaps say a few words in the hope of making it clearer why we do not support an inquiry of the kind outlined by the Hon'ble Mover. It is not that we do not know that, unfortunately, corruption prevails in many Government offices, and it is not that we do not deplore the fact and do not desire by every means possible to root out these evil practices; but it is because we think that the expedient suggested of sending round a special officer to all districts will not have the desired effect. Local officers are aware of the facts and are already trying to check the evil. I know only of four main lines of check. One is to endeavour to improve the class of men recruited for Government services; that Government already does and is doing, and we are constantly trying to raise the standard of education among our officers. The second is to enhance the rate of their pay so as to put them beyond the temptation of taking bribes. As we all know, as funds permit, we are gradually doing this. The third is to adopt an organisation which brings these ministerial officers as far as possible under the supervision of reliable superior officers and does not place it their hands to take the initiative in executive matters. That also is an object which we strive to attain. The fourth is, when malpractices are brought to notice, to try energetically to root them out. When I was a Joint Magistrate and junior Collector it was my lot to be posted to a district in Bihar which had a very bad reputation in this matter. I was then young and energetic, and spent much of my time in seeking to check these evils. I punished a great many, from the sheristadar downwards, at the cost of a great deal of personal effort, and I believe I effected some improvement. That is the experience of most Government officers who are sitting here, but my point is that the remedy devolves upon the local officers and must rest with them. The deputation of one special officer will not help much.

"On the non-official side, there are two matters particularly in which help can be afforded. One is the strengthening of public sentiment and opinion, so as to ostracise and pillory those underlings in our courts who have the reputation of being bribe-takers and corrupt. The second is to come forward and to bring to the notice of superiors instances in which the public have suffered at the hands of subordinate officers. I think I can fairly assure the Council that the average superior officer is perfectly willing to energetically investigate any reasonable charge that is brought to his notice; and I think the Hon'ble Mover has underestimated the value of giving such information and the possibility of doing it. It means, no doubt, a certain amount of trouble to the person who suffers to go and complain to a superior officer, and he may feel that, rather than be so burdened, he would willingly pay eight annas or a rupee. That is a natural feeling. But unless people who do suffer

will take the trouble to prosecute their charges and bring them home to those who are guilty, it is very difficult for Government officers to intervene.

"Sir, our position is that we do not deny the evil; we all wish to see it rooted up, but we do not think that the deputation of a special officer will really help us in achieving that object."

The resolution was then put and lost.

ADJOURNMENT.

The Council was then adjourned to Thursday, the 19th December, 1918, at 11 A.M., at Government House, Calcutta.

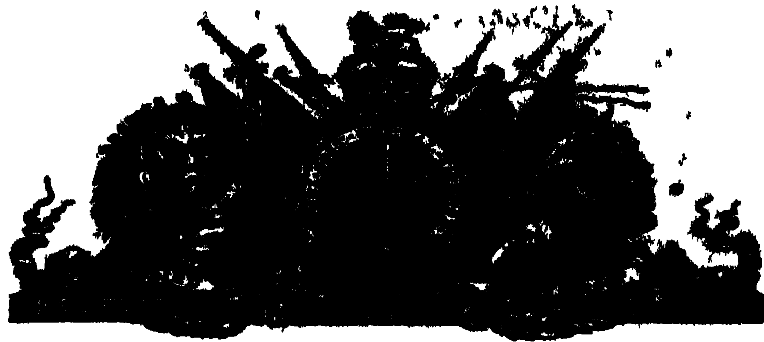
A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA;

The 10th December, 1918.



The Calcutta Gazette

WEDNESDAY, DECEMBER 25, 1918.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Thursday, the 19th December, 1918, at 11 A.M.

Present:

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. C. H. BOMPAS, C.S.I.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. S. G. HART.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. J. MACKENZIE, O.B.E.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISIKESH LAHA, C.I.E.

The Hon'ble MR. J. W. HELY-HUTCHINSON.

The Hon'ble MR. PROVASH CHUNDER MITTER.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble MR. E. B. EDEN.

The Hon'ble MR. H. R. A. IRWIN, C.I.E.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

Questions and Answers.

LIST OF BUSINESS—ITEM No. 1.

STARRED QUESTIONS.

The following questions which had been starred were put and answered :—

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

*I

Will the Government be pleased to state what steps, if any, have been taken under the provisions of section 90 of the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885), as modified up to date, by the District Boards of Jessore, Murshidabad, Nadia, the 24-Parganas, Howrah, Hooghly, Burdwan and Dacca, and what parts of rivers, streams or channels, and how many tanks, have been set apart for drinking and culinary purposes?

Answer by the Hon'ble MR. O'MALLEY :—

"A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. I (starred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council Meeting of the 19th December, 1918, showing the number of tanks, etc., declared to be reserved by the undermentioned District Boards under section 90 of the Bengal Local Self-Government Act of 1885.*

Name of District Board.	Number of tanks, etc., reserved under section 90 of the Bengal Local Self-Government Act of 1885.
Jessore	72 tanks and the rivers and khals or parts of rivers and khals shown in the list below.
Murshidabad	35 tanks.
Nadia	5 "
24-Parganas	Nil.
Howrah	31 tanks.
Hooghly	69 "
Burdwan	21 "
Dacca	39 "

List of rivers and khals and parts of rivers and khals declared by the Jessore District Board to be reserved.

1. The Navaganga up to Magura.
2. The Chitra throughout the Jhenidah, Magura and Narail Sub-divisions up to Ghorakhali.
3. The Beghati *alias* Beng river.
4. " Bhowanipur khal.
5. " Kachua khal.
6. " Dhopaghatta khal.
7. " Kumar Hoar khal.
8. " Barasia from Balmari to Kalua.
9. " Hanu.
10. " Navaganga from Lohagarah to Kalua.
11. " Fatki from Dhaneshharganti to Salai.
12. " Betropati *alias* Betna.
13. The Kabadak or Bhairab (under whichever name known) throughout its length in the Jessore district from Purundarpur in thana Moheshpur to Sagardari in thana Keshabpur.
14. The Nawbhanga river from Haridaspur bridge to Ramchandrapur in Sarsa thana.
15. The Bhairab from Afra Trimohini to Singia (about 4 miles).

Questions and Answers.

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

*II

(*a*) Has the attention of Government been drawn to the unusually high price of rice and pulses in the various districts in the Presidency of Bengal?

(*b*) Is it a fact that the price is on the increase?

(*c*) If so, will the Government be pleased to state what steps, if any, they are taking in this matter?

Answer by the Hon'ble MR. MCALPIN :-

" (*a*) The attention of Government has been drawn to the prices of rice and pulses in the various districts of the Presidency. As there seems to be a general misapprehension regarding the state of such prices, or at all events of rice, Government takes this opportunity of laying on the library table certain comparative statements regarding retail and wholesale prices (so far as available at the time of the preparation of this reply), which will show clearly what that state is In the case of pulses it will be seen from them that, generally speaking, retail prices rose in the years 1914 and 1915, fell in 1916 and 1917 and have risen again above the level of the prices in 1914 and 1915. In the case of pulses there has undoubtedly been a considerable rise in retail prices

The price of rice, the staple food crop, has not behaved in the same manner. If anything, wholesale prices in the first fortnight of November are less than those which prevailed during the same period in the five years preceding 1917. Retail prices differ little from those prevailing at the same time in the years 1914, 1915 and 1916. They fell in 1917 and the first half of this year considerably on account of an abundant harvest last season. In July or August they began to rise again to the present level which, though they may be called high, cannot in these circumstances be termed unusual.

(*b*) The returns of the retail prices of rice for the week ending the 5th December show a slight increase on those in the return for the first week of November, but in some districts the price has remained stationary or has fallen slightly

(*c*) The following measures have been taken :—

(1) An arrangement has been come to by which the import of Rangoon rice, both of old and new crops, has been resumed under licenses to be granted by the Director of Civil Supplies of this Province. Dealings by importers in the new rice will only be allowed on condition that certain maximum selling prices are not exceeded. A copy of the terms upon which such import is allowed into Calcutta is laid on the table.

(2) The export of rice by rail from Bengal is prohibited except under orders of the Foodstuffs Commissioner. There are some relatively unimportant exceptions such as the coalfields adjoining the Province In order to enable the Foodstuffs Commissioner to decide how much rice can safely be exported from Bengal, Government have recently caused special inquiries as to existing stocks to be made throughout the Province.

(3) Pulses can be imported, but in the case of imports from the Punjab, the United Provinces or the Central Provinces, certificates from the Director of Civil Supplies of this Province are required. The question of placing restrictions on the export of pulses is under consideration, but has not yet been decided,

Questions and Answers.

Hon'ble Members will realise for themselves that at the present juncture the distribution of foodstuffs is not a mere provincial matter, but is a matter of importance affecting the whole of India. Therefore such control as may be exercised is not in the interest of any one particular province, but has to be in the interests of all provinces."

Paper referred to in the answer by the Hon'ble MR. MCALPIN *to question No. II (starred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council Meeting held on the 19th December, 1918.*

Terms upon which import of Rangoon Rice (new crop) will be allowed into Calcutta.

1. Licenses from the Director of Civil Supplies, Bengal, will be required for importation of Rangoon rice into Calcutta.

2. Licenses will not be general but will be valid only for the importation of such quantities as are named in the license.

3. They will not be transferable.

4. The names of the licensees and of their shippers in Rangoon and the quantities licensed will be telegraphed by the Director of Civil Supplies to the Rice Commissioner, Rangoon, and such communications will take the place of the formal export license which shippers of rice from Rangoon have to take out from the Rice Commissioner. Licenses will be valid for shipment in the month for which they are granted.

5. The right of granting or refusing a license to any particular firm or person at his discretion is reserved to the Director of Civil Supplies.

6. Licenses will not be granted by the Director of Civil Supplies except on his being satisfied that the applicant will sell at a price in Calcutta not exceeding the maximum selling price fixed by him.

7. Tonnage in Rangoon will be allotted by the Rice Commissioner to the shippers named by the licensees.

8. The maximum selling price in Calcutta for new crop Rangoon rice (Big Mill Specials) has been fixed at Rs. 5-1-0 per maund C. I. F., and/or Rs. 5-6-0 per maund *ex* godown.

Licenses for Import of Rangoon Rice (old crop).

Licenses for the import of Rangoon rice (old crop) will be granted on the same terms as above, save that there will be no maximum selling price fixed.

UNSTARRED QUESTIONS.

(Answers to which were laid on the table.)

By the Hon'ble Babu Bhabendra Chandra Ray:—

1.

(*a*) With reference to the answer to my unstarred question No. XIII of the 3rd September last, will the Government be pleased to refer to the University Regulations and state the precise nature of the "information" referred to in clause (*b*) of the said answer as being "required by the University Regulations"? University Regulations and uniformity of standards.

Questions and Answers.

(*b*) With reference to the "uniformity of standards" which the instructions contained in the Director of Public Instruction's letter No. 2253-2259-G., dated the 25th April, 1918, are stated to secure, will the Government be pleased to state whether such uniformity is specially aimed at by the University Regulations themselves, or is a departmental requirement? If the latter, are these instructions issued solely on the responsibility of the Director of Public Instruction?

(*c*) Is it a fact that these instructions go so far beyond the University Regulations as to require a higher standard to be satisfied by schools than is contemplated by the University authorities?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) The Hon'ble Member is referred to regulations 2—5 in Chapter XXI of the University Regulations.

(*b*) A uniform minimum standard of efficiency is necessarily contemplated by the University Regulations. The instructions which were issued by the Director of Public Instruction departmentally aim at securing this standard and explaining in some detail the requirements necessary to satisfy the University Regulations.

(*c*) This does not appear to be the case. In these matters the Inspectors of the Education Department merely inspect and report for the Syndicate of the University, and the Director of Public Instruction merely advises the University authority, which is at liberty to accept or reject his recommendations."

By the Hon'ble Babu Bhabendra Chandra Ray:—

2.

(*a*) Are the Government aware of certain acts of oppression and high-handedness alleged to be practised by the officers and employés of the Hazidanga Indigo Factory in the district of Murshidabad upon tenants and labourers living in certain villages owned by the Midnapore Zamindari Company?

(*b*) Is it a fact that several petitions have been addressed by the said tenants and labourers to the District Magistrate and other authorities calling attention to these allegations and seeking redress thereof?

(*c*) If so, will the Government be pleased to state the purport of such petitions and what action, if any, has been taken thereon?

Answer by the Hon'ble MR. MCALPIN :—

"(*a*) Government are aware that certain persons have alleged the practice of some such acts.

(*b*) Yes.

(*c*) There were 2 complaints made to the police, 3 petitions to the Chairman, District Board, and 2 petitions to the District Magistrate.

The 2 police cases were dealt with magisterially. One of them forms the subject-matter of another Council question. In the other it was alleged by the complainant that while he was gathering fodder for his cattle, a Factory guard drove him away and took away his sickle. After a judicial inquiry the complaint was dismissed under section 203 of the Criminal Procedure Code.

Questions and Answers.

Of the petitions, one related to the second police case just mentioned. In the second petition it was alleged that the Factory servants had forcibly seized the petitioners' cattle and imposed fines on them for their release. On inquiry by the Sadar Sub-Divisional Officer these allegations were found to be untrue. A third petition alleged the theft of a horse and the forcible seizure of another horse and cattle by the Factory servants. In the remaining two petitions the allegations were that the Factory compelled the petitioners to take advances for the cultivation of indigo and oats and destroyed their other standing crops, that the petitioners were paid insufficient wages and made to supply milk free of charge and that fines were imposed upon them. No action was taken on the last three petitions as they were not stamped."

By the Hon'ble Babu Bhabendra Chandra Ray:—

3.

Indigo cultivation by the Midnapore Zamindari Company in the Murshidabad district.

Will the Government be pleased to state—

(*a*) the approximate total area brought under indigo cultivation by the Midnapore Zamindari Company in the district of Murshidabad;

(*b*) the persons in whose occupation the lands were, and the use to which they were put, previous to the introduction by the said company of indigo cultivation there;

(*c*) the proportion of the said lands which belonged to the tenants;

(*d*) the rates at which the company pay compensation to the tenants for having taken away such lands from their occupation; and

(*e*) the average rate of rent payable by the tenants to their immediate landlords in respect thereof?

Answer by the Hon'ble MR. MCALPIN :—

" (*a*) The final forecast for indigo shows 5,100 acres of indigo cultivation in the district, of which 4,850 acres are probably for the Midnapore Zamindari Company.

(*b*), (*c*), (*d*) and (*e*) Government have no informat matter.'

By the Hon'ble Babu Bhabendra Chandra Ray:—

4.

The case of Kali Nath Maitra of the Hazidanga Indigo Factory

(*a*) Is it a fact that a complaint was lodged by *yats* against one Kali Nath Maitra, an officer of the Hazidanga Indigo Factory, and others, on a charge of wrongful confinement, and that two associates of the said Kali Nath Maitra were sent up by the police for trial under sections 341 and 376 of the Indian Penal Code, but were acquitted by the Sadar Sub-divisional Officer of Murshidabad?

(*b*) Are the Government considering the desirability of sending for the records of the said case and consulting the Legal Remembrancer as to the advisability of preferring an appeal against the said order of acquittal?

Answer by the Hon'ble MR. DUVAL :-

"(*a*) Yes.
(*b*) No.";

Questions and Answers.

By the Hon'ble Babu Bhabendra Chandra Ray:—

5.

(a) Are the Government aware that a petition has recently been submitted to the Commissioner of the Presidency Division, on behalf of the tenants, under-tenants and labourers of certain villages in the district of Murshidabad owned by the Midnapore Zamindari Company, calling attention to certain grievances and making serious allegations against the said company, and inviting an inquiry thereinto?

(b) If so, what steps have been taken, or are proposed to be taken, in the matter?

Answer by the Hon'ble MR. MCALPIN :—

" (a) and (b) Government have ascertained from the Commissioner that such a petition was received and that it was sent to the Collector of Murshidabad for report. They have no further information."

By the Hon'ble Babu Bhabendra Chandra Ray:—

6.

(a) Will the Government be pleased to state—

(i) the qualifications of candidates which are taken specially into consideration when making selections for appointments to the Provincial Judicial Service; and

(ii) whether holders of a first class degree of B.L. are usually given preference over others in such selections?

(b) Will the Government be pleased to state the number of appointments made during each of the last three years, showing—

(i) how many of them were first class B.L.'s; and

(ii) how many first class B.L.'s were not given any appointment in each year?

Answer by the Hon'ble MR. DUVAL :—

" (a) The Hon'ble Member is referred to the Statutory rules published in notification No. 1784 A. of the 10th March, 1894.

(b) The number of appointments was six in each of the three years 1916—18. The number of first class B.L.'s appointed was one and four in the years 1917 and 1918 respectively. No first class B.L. was appointed in 1916."

By the Hon'ble Babu Bhabendra Chandra Ray:—

7.

Will the Government be pleased to state—

(a) what progress has been made in regard to the preparation of the Grand Trunk Canal scheme;

(b) what alterations, if any, has it undergone; and

(c) when it is expected to be taken in hand?

Questions and Answers.

Answer by the Hon'ble MR. COWLEY :—

"(*a*) The revised project has been accepted by Government; the estimates will have to be modified in some respects owing to altered conditions.

(*b*) There have been no alterations in the scheme as designed.

(*c*) The project will require the sanction of the Secretary of State; it will, it is hoped, be submitted to the Government of India within the current financial year."

By the Hon'ble Babu Bhabendra Chandra Ray:—

8.

Co-ordination of text-book committees in Eastern and Western Bengal.

Will the Government be pleased to state when it is expected to co-ordinate the two text-book committees in the eastern and western districts of Bengal?

Answer by the Hon'ble MR. O'MALLEY :—

" The question of co-ordinating the text-book committees in the eastern and western districts of Bengal will be taken up when a uniform curriculum for the whole Presidency has been completed. It is at present impossible to say when a uniform curriculum will be ready."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

9.

Mills with septic tank latrine installations in the Presidency of Bengal.

Will the Government be pleased to lay on the table the following particulars regarding the mills with septic tank latrine installations in the Presidency of Bengal:—

(*a*) the name of the mill, with situation;
(*b*) the name of the nearest railway station, and its distance from the mill;
(*c*) the name of the post office within the jurisdiction of which the mill is situated;
(*d*) the name of the managing agents, and their address;
(*e*) the name, age, academical qualification in full, place and period of practical training for the working of the septic tank latrine installation, date of appointment, and salary of the duly qualified person in charge to supervise the working of the septic tank latrine installation as referred to in rule 19 (*1*) (*i*) of " The Bengal Factories Rules, 1912 ";
(*f*) the date of the establishment of the mill;
(*g*) the date of sanction by the Government or the Sanitary Commissioner for the construction of septic tank latrines;
(*h*) the working capacity of each installation within the mill;
(*i*) the place of discharge of the effluent from the septic tank latrines;
(*j*) the total quantity of such effluent discharged per day;
(*k*) the date of the last inspection by the septic tank latrine Inspector appointed by the Government;
(*l*) the nature of defects noticed by the septic tank latrine Inspector;
(*m*) the action taken by the Government to remedy the defects; and
(*n*) the date when the defects were remedied?

Answer by the Hon'ble MR. O'MALLEY :—

" (*a*), (*b*), (*c*), (*d*), (*f*), (*g*), (*h*), (*i*) and (*j*) A statement is laid on the table.

(*e*) The information is not available.

(*k*) Inspections are held at monthly intervals and sometimes oftener

(*l*) The most common defects are that turn-stiles get out of order, automatic and pedal flushes require repairs, filter beds become choked and the effluent is not chlorinated to the extent required.

(*m*) Government are not responsible for remedying defects in private installations.

(*n*) The defects are usually remedied within a month after they are pointed out by the Inspector."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. 9 (unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the meeting of Council held on the 19th December, 1918.*

STATEMENT OF SEPTIC TANK INSTALLATIONS IN MILLS.

Name of the mill.	Situation of the mill.	Name of the nearest railway station and its distance from the mill.	Name of the post-office within the jurisdiction of which it is situated.	Name of the Managing Agents and their addresses.	Date of establishment.	Date of sanction to the construction of the septic tank latrine.	Working capacity of each installation in the mill in gallons per day.	Place of discharge of the effluent from the latrines.	Total quantity of effluent discharged per day.
1	2	3	4	5	6	7	8	9	10
							Gallons.		Gallons.
1. Lawrence Jute Mill ...	Left bank of the Hooghly.	Chengail, 1 mile ...	Fort Gloster post-office, Chackasi.	Bird & Co., Chartered Bank Buildings, Calcutta.	1906 ...	1908	I 45,000 II 45,000	Hooghly River	90,000
2. Bowreah Cotton Mill ...	Ditto ...	Bowreah, 1½ miles ...	Bowreah ...	Kettlewell, Bullen & Co., 21, Strand Road, Calcutta	1819 ...	1909	24,000	Land in the vicinity of the mill.	24,000
3. Fort Gloster Jute Mill.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	1875 ...	No. I—1907 No. II—1910	75,000 60,000	Hooghly River ...	135,000
4. Delta Jute Mill ...	Ditto ...	Sankrail, 6 miles ...	Delta	Andrew Yule & Co., 8, Clive Row, Calcutta.	1899 ...	......	60,000	Ditto ...	60,000
5. National Jute Mill ...	Ditto ...	Andul, 3 miles ...	Sankrail ...	Ditto ...	1896 ...	1913	60,000	Ditto ...	60,000
6. Ganges Jute Mill ...	Ditto ...	Howrah, 2 miles ...	Sibpur	Macneill & Co., 2, Clive Ghat Street, Calcutta.	1875 ...	No. 1—1909 ... No. 2—1916 ... No. 3—1916 ...	60,000 75,000 75,000	Ditto ...	210,000
7. Central Jute Mill ...	Ditto ...	Howrah, 3 miles ...	Salkia	Andrew Yule & Co., 8, Clive Row, Calcutta.	1890 ...	1915	6,000	Ditto ...	6,000
8. Bally Jute Mill ...	Ditto ...	Bally, ¼ mile ...	Bally	George Henderson & Co., 100, Clive Street, Calcutta.	1905 ...	1908	45,000	Ditto ...	45,000
9. Hastings Jute Mill ...	Ditto ...	Rishra, ¾ mile ...	Rishra	A. Birkmyre Bros., 6, Clive Row, Calcutta.	1875	No. 1—1903 ... No. 2—1903 ... No. 3—1907 ... No. 4—1912 ... No. 5—1912 ...	30,000 30,000 30,000 22,500 22,500	Ditto ... Ditto Ditto Ditto Ditto	135,000
10 Wellington Jute Mill ..	Ditto ...	Rishra, 1¼ miles ...	Baidyabati ...	James Finlay & Co., 1, Clive Street, Calcutta.	1858 ...	1916	90,000	Ditto ...	90,000
11. Champdani Jute Mill ...	Ditto ...	Baidyabati, 1½ miles	Ditto ...	Ditto ...	1876 ...	1916	75,000	Ditto ...	75,000

Questions and Answers.

12.	Northbrook Jute Mill	Left bank of the Hooghly.	Baidyabati, 1¾ miles	Baidyabati ...	Bird & Co., Chartered Bank Buildings, Calcutta.	1908 ...	1910	60,000	Hooghly River ...	60,000
13.	Dalhousie Jute Mill ...	Ditto	Ditto ...	Ditto ...	Ditto ...	1903 ..	No. 1—1910 ... No. 2—1913 ...	45,000 67,500	Ditto ...	112,500
14.	Angus Jute Mill ...	Ditto ...	Bhadreswar, 2 miles	Chandernagore ...	Angus Jute Co., 3, Clive Row, Calcutta.	1913 ...	1913 ... ... (Two additional tanks constructed not in use.)	75,000	Effluent discharged to tank and used for boilers.	75,000
15.	Victoria Jute Mill ...	Ditto	Chandernagore, 1½ miles.	Telinipara ...	Thomas Duff & Co., 15, Clive Row, Calcutta.	1884 ...	1908 ... ... Coolie line tank, 1916	I 30,000 II 30,000 III 30,000 22,500	Hooghly River	90,000 22,500 112,500
16.	North Shamnagar Jute Mill.	Ditto ...	Bhadreswar, 1 mile ...	Bhadreswar ...	Ditto ...	1914 ...	1914 ... ... Coolie line, 1916 ...	60,000 I 30,000 II 30,000	Ditto ...	120,000
17.	Gouripur Jute Mill ...	Right bank of the Hooghly.	Naihati, 1 mile ..	Garifa ...	Barry & Co., 5, Lyons Range, Calcutta.	1866 ...	1912	90,000	Ditto ...	90,000
18.	Reliance Jute Mill ...	Ditto ...	Kankinara, ½ mile ...	Bhatpara ...	Howeson Brothers, Limited, 9, Clive Row, Calcutta.	1910 ...	1907	90,000	Ditto ...	90,000
19.	Kankinara Jute Mill ...	Ditto ...	Kankinara, ¾ mile ...	Ditto ...	Jardine Skinner & Co., 4, Clive Row, Calcutta.	1882 ...	No. 1—1904 ... No. 2—1910 ... No. 3—1911 ...	30,000 45,000 75,000	Ditto ... Ditto. Ditto.	150,000
20.	Anglo-India Jute Mill	Ditto ...	Kankinara, 1 mile ...	Ditto ..	Duncan Brothers, 2, Clive Ghat Street, Calcutta.	1903 ... 1908 ... 1896 ...	1910 ... ... 1911 ... ... 1912 ... ... 1913 ... ... 1915 ... ... 1910	30,000 37,500 37,500 22,500 22,500 30,000	Ditto ... Ditto. Ditto. Ditto. Ditto. Ditto.	180,000
21.	North and South Alliance Jute Mill ...	Ditto ...	Shamnagore, 1½ mile	Jagatdal ...	Begg, Dunlop & Co., 2, Hare Street, Calcutta.	North—1896 South—1906	1907 ... ... 1907 ... ... 1914 ... ... 1916	30,000 15,000 60,000 90,000	Ditto ... Ditto. Ditto. Ditto.	195,000
22.	Auckland Jute Mill ...	Ditto ...	Shamnagore, 1 mile...	Ditto ...	Bird & Co., Chartered Bank Buildings.	1908 ...	1909	45,000	Ditto ...	45,000
23.	Shamnagore Jute Mill	Ditto ...	Shamnagore, ¾ mile...	Shamnagore ...	Thomas Duff & Co., 15, Clive Row, Calcutta.	1874 ...	No. 1—1908 ... No. 2—1908 ... No. 3—1908 ...	30,000 30,000 37,500	Ditto ... Ditto. Ditto.	97,500
24.	Kinnison Jute Mill ...	Ditto ...	Titagarh, 1 mile ...	Titagarh ...	F. W. Heilgers & Co., Chartered Bank Buildings.	1899 ...	1912	93,000	Ditto ...	93,000
25.	Standard Jute Mill ...	Ditto ...	Titagarh, ½ mile ...	Ditto ...	Bird & Co., Chartered Bank Buildings.	1895 ...	1902 ... ... 1915 ... ... 1918	45,000 45,000 24,000	Ditto ... Municipal drain to Hooghly River.	114,000

Questions and Answers.

Name of the mill.	Situation of the mill.	Name of the nearest railway station and its distance from the mill.	Name of the post-office within the jurisdiction of which it is situated.	Name of the Managing Agents and their addresses.	Date of establishment.	Date of sanction to the construction of the septic tank latrine.	Working capacity of each installation in the mill in gallons per day.	Place of discharge of the effluent from the latrines.	Total quantity of effluent discharged per day.
1	2	3	4	5	6	7	8	9	10
							Gallons.		Gallons.
26. Titagarh Jute Mill No. I.	Right bank of the Hooghly.	Titagarh, ¼ mile ...	Titagarh ...	Thomas Duff & Co., 15, Clive Row, Calcutta.	1884 ...	1907	I 30,000 II 30,000 III 30,000	Hooghly River ... Ditto ... Ditto ...	105,000
27. Titagarh Jute Mill No. II.	Ditto ...	Titagarh 1 mile ...	Ditto ...	Ditto ...	1906 ...	Coolie line, 1914 ... No. 1—1908 ... No. 2—1908 ... No. 3—1907 ... No. 4—1913 ... Coolie line, 1909 ...	15,000 30,000 30,000 30,000 60,000 15,000	Ditto ... Ditto ... Ditto ... Ditto ... Ditto ... Ditto ...	165,000
28. Khardah Jute Mill ...	Ditto ...	Khardah, 1 mile ...	Khardah	Anderson, Wright & Co., 22, Strand Road, Calcutta.	1895 ...	No. 1—1905 ... No. 2—1906 ... No. 3—1911 ... No. 4—1911 ... Coolie line, 1913 ...	30,000 30,000 30,000 30,000 15,000	Ditto ... Ditto ... Ditto ... Ditto ... Ditto ...	135,000
29. Kamarhati Jute Mill ...	Ditto ...	Agarpara, 2 miles ...	Kamarhati ...	Jardine, Skinner & Co., 4, Clive Row, Calcutta.	1877 ...	No. 1—1908 ... No. 2—1912 ... No. 3—1910 ... No. 4—1912 ... Coolie line, 1915 ...	30,000 37,500 30,000 37,500 24,000	Ditto ... Ditto ... Ditto ... Ditto ... Ditto ...	159,000
30. Baranagore Jute Mill...	Ditto ...	Belgharia, 2 miles ...	Alambaraz ...	George Henderson & Co., 100, Clive Street, Calcutta.	1878 ...	1912	45,000	Ditto ...	45,000
31. Lansdowne Jute Mill	Ditto ...	Dum-Dum, 2 miles ...	Dakhindari ...	Bird & Co., Chartered Bank Buildings.	Taken over by Bird & Co., 1910.	1912	60,000	Marshes in the vicinity of the mill.	60,000
32. Soorah Jute Mill ...	Ditto ...	Sealdah, 1½ miles ...	Narikaldanga ...	McLeod & Co., 28, Dalhousie Square, Calcutta.	1890 ...	1904	15,000	Calcutta municipal drain.	15,000
33. Hooghly Jute Mill ...	Ditto ...	Sealdah, 2 miles ...	Garden Reach ...	Gillanders, Arbuthnot & Co., 8, Clive Street, Calcutta.	1873 ...	1911	I 15,000 II 15,000 III 15,000	Hooghly River ... Ditto ... Ditto ...	45,000
34. Allied Cotton & Dye Works, Limited.	Ditto ...	Ditto ...	Ditto ...	Andrew Yule & Co., 8, Clive Row, Calcutta.	1905 ...	1907	7,500	Ditto ...	7,500
35. Bengal Cotton Mill ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	1872 ...	1907	30,000	Ditto ...	30,000

Questions and Answers.

36.	Clive Jute Mill ...	Right bank of the Hooghly.	Sealdah, 2 miles ...	Garden Reach ...	Bird & Co., Chartered Bank Buildings.	1894 ...	No. 1—1907 No. 2—1917 Coolie line, 1917	45,000 60,000 24,000	Hooghly River ... Ditto Ditto ...	129,000
37.	South Union Jute Mill	Ditto ...	Ditto ...	Burtola ...	Ditto ...	Taken over by Bird & Co., 1911.	1915	18,000	Ditto ...	18,000
38.	Caledonian Jute Mill	Ditto ...	Budge-Budge, 2 miles	Budge-Budge ...	Andrew Yule & Co., 8, Clive Row, Calcutta.	1916 ...	1916	60,000	Ditto ...	60,000
39.	Messrs. M. David & Co.	Chandpur ...	Chandpur, about 2 miles.	Chandpur ...	No Managing Agent, head office, Messrs. M. David & Co., Naraingani.	1897 ...	Not known ...	Not known	Effluent discharged into a khal.	Not known.

Questions and Answers.

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

pply of tered water by unicipalities Bengal.

10. Will the Government be pleased to lay on the table a statement containing the total quantity of the supply of filtered water *per diem* by each of the Municipalities within the Presidency of Bengal, giving also the total number of house connections (*i*) without meters, and (*ii*) with meters, up to June, 1918, within each Municipality in which there is a supply of filtered water, including the Calcutta Corporation?

Answer by the Hon'ble MR. O'MALLEY :—

" A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY *to question No. 10 (unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council meeting of the 19th December, 1918.*

Name of Municipality.	Quantity of filtered water (in gallons) supplied per diem.	Number of house connections up to June 1918— With meters.	Number of house connections up to June 1918— Without meters.	Remarks.
BURDWAN DIVISION—				
Howrah	3,000,000	120	5,932	
Burdwan	385,115	Nil	534	
Bankura	41,200	3	1	The water-supply of this town is not filtered, but is drawn from a filtration gallery in the sandy bed of the river Ghandheswari.
Hooghly-Chinsura ...	378,403·5	67	336	
Serampore	170,000	7	255	
PRESIDENCY DIVISION—				
Calcutta	36,140,000	2,829	32,667	
Berhampore ...	303,476·2	197	3	
Jessore	35,350·29	Nil	Nil	There is no house connection, but seven taps have been allowed in private compounds, and a meter has been fitted to the hydrant in the jail compound.
Khulna	20,000	Nil	Nil	
Maniktala	385,444	181	478	
Cossipore-Chitpur ...	594,090	642	4	

Questions and Answers.

NAME OF MUNICIPALITY.	Quantity of filtered water (in gallons) supplied per diem.	NUMBER OF HOUSE CONNECTIONS UP TO JUNE 1918—		REMARKS.
		With meters.	Without meters.	
PRESIDENCY DIVISION—*concld.*				
Tollygunge	43,115	16	31	
South Suburban ...	29,000	1	12	
Garden Reach ...	77,000	50	Nil	
DACCA DIVISION—				
Dacca	1,181,382	173	1,141	
Narayanganj ...	321,925	8	453	
Mymensingh	211,015	62	137	
Faridpur	18,000	Nil	Nil	There are no house connections or street stand posts.
Barisal	62,304	52	3	
Patuakhali	16,000	Nil	Nil	
CHITTAGONG DIVISION—				
Chittagong	336,427	251	325	
Chandpur	8,660	Nil	Nil	
RAJSHAHI DIVISION—				
Darjeeling	550,000	86	368	
Kurseong	80,000	Nil	224	

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

11.

Will the Government be pleased to lay on the table a statement showing— Assessment of Union Committees and contributions by District Boards in the Burdwan Division.

(*a*) the amount realised by assessment under section 118 C of the Bengal Local Self-Government Act of 1885 by the Union Committees in each of the districts of the Burdwan Division; and

(*b*) the amount contributed by the District Boards to each Union Committee

during the years 1916-17 and 1917-18?

Answer by the Hon'ble MR. O'MALLEY :—

"(*a*) and (*b*) A statement is laid on the table."